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ABSTRACT

This document contains testimony from a Congressional hearing held in New Jersey to examine violent crime against the elderly. Opening statements are presented from committee members Matthew J. Rinaldo, William J. Hughes, Christopher H. Smith, and Dan Mica. Four panels of witnesses testify: (1) two elderly victims of violent crime; (2) federal, state, and local law enforcement officials; (3) a detective specializing in crime prevention and a city police chief; and (4) elderly advocacy representatives. Witnesses provide testimony that elderly people have special difficulties recovering from the physical, economic, and psychological ills of crime because they have fewer resources upon which to fall back. The crime prevention officer reports fear of crime to be one of the greatest burdens crime creates for the elderly. Law enforcement officials testify that crime rates are decreasing and elderly people have a lower victimization rate than do younger people. The impacts of tougher crime control legislation and victim compensation are discussed. Elderly advocates call for increases in police presence, citizen watch activity, punishment of criminals, numbers of police, and federal funding for older citizens' needs. The appendix includes brochures on crime prevention for the elderly and New Jersey crime victim compensation information. (ABL)

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VIOLENT CRIME AGAINST THE ELDERLY: A NEW JERSEY PERSPECTIVE

ED264451

HEARING

BEFORE THE

SELECT COMMITTEE ON AGING
HOUSE OF REPRESENTATIVES

NINETY-NINTH CONGRESS

FIRST SESSION

FEBRUARY 11, 1985, PLAINFIELD, NJ

Printed for the use of the Select Committee on Aging

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VIOLENT CRIME AGAINST THE ELDERLY: A NEW JERSEY PERSPECTIVE

MONDAY, FEBRUARY 11, 1985

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON AGING,
Plainfield, NJ.

The committee met, pursuant to notice, at 9:40 a.m., in Richmond Towers, Senior Citizens Housing, 610 East Front Street, Plainfield, NJ, Hon. Matthew J. Rinaldo (acting chairman of the committee) presiding.

Members present: Representatives Rinaldo, Hughes, Mica, and Christopher H. Smith.

Staff present: John Vihstadt, minority counsel, Select Committee on Aging.

OPENING STATEMENT OF REPRESENTATIVE MATTHEW J. RINALDO

Mr. RINALDO. I want everyone to recognize that this is an official hearing of the House of Representatives Select Committee on Aging, so we would appreciate it if there would be no talking. Please keep any movement to a minimum, because there is a court stenographer present, and it makes his job more difficult if there are noise and interruptions.

I am pleased that three of the most active members of the committee are here today: Congressman Dan Mica of Florida, and we certainly owe him a debt of gratitude for coming up here when he could be in Florida where I think the weather is a little better, anyway; Congressman Chris Smith of New Jersey, who represents primarily the Trenton area and parts of Monmouth County; and Congressman William Hughes of New Jersey, who represents south Jersey.

I might mention that Congressman Hughes is also chairman of the Subcommittee on Crime of the House Judiciary Committee and holds a very, very important position of cochairman of the Congressional Crime Caucus.

Congressman Hughes—and I think every Congressman in the country would agree with me—is one of the most active Members of Congress in the constant war against crime, and I am delighted he is here today because he serves on both that committee and the Select Committee on Aging.

I want to take this opportunity to thank Mayor Taylor and the Plainfield Housing Authority for allowing us the use of Richmond Towers for this hearing, and it is a particular honor to have this

hearing today on the 10th anniversary of Richmond Towers. We certainly congratulate any of the residents of the building who are here today.

As ranking minority member of the House Select Committee on Aging, one of the ways we can battle crime, in my view, is by constructing more facilities like Richmond Towers for New Jersey's older citizens. That is something all of us here agree on. I think it is more and more important to have housing of this type.

Today, however, we are here to examine specifically crime against the elderly. In my view, it is a national scandal that so many of our senior citizens live in fear of crime. In the past 10 years, the Justice Department's national crime survey reports that the violent crime rate, including murder, rape, assault, and robbery, is up nearly 46 percent. In 1983 alone, nearly 24 million households were victimized by at least one crime of violence or theft. Here in New Jersey, there was a criminal offense committed at the rate of one in every minute and 22 seconds in 1983. That year, citizens lost $336 million in stolen property, only a third of which was recovered. There were 400 murders in our State, 2,300 reported rapes, 20,000 robberies, 92,000 burglaries, and 18,600 aggravated assaults.

An older individual has much greater difficulty recovering from a crime. By that, I mean physically, economically, and psychologically.

Even minor injuries may send a senior citizen down an irreversible path of chronic disability and ultimately institutionalization. Hospital bills may bankrupt that senior citizen.

The fixed income elderly are hard pressed to recover from even small economic losses. The theft of a radio or television set can lead to loss of communication and causes them to give up one of their prime leisure-time activities. Perhaps worst of all is the mental trauma and torment the victim and his or her loved ones face.

The unfortunate part about all of this and the tragic truth is that all senior citizens are victims of crime; not just those who are robbed or assaulted on the streets or who have had their homes burglarized. Many older Americans are afraid to venture outside and are virtual prisoners in their own homes.

For far too long our society has been concerned with the rights of the criminal rather than the rights of the victim. And it is about time that this situation was changed. In too many cases, street criminals out on bail, probation or parole, continue their criminal lifestyle and terrorize our citizens. Juveniles commit the bulk of the crime, yet less than five percent go to prison. In relation to total crime, few criminals are caught, fewer are convicted, and fewer still suffer the serious consequences they deserve.

Yet, despite these discouraging facts, there is a glimmer of hope. The Nation's crime rate has now dropped 2 years in a row. In New Jersey crime in 1983 dropped for the third straight year, and preliminary statistics for 1984 indicate a further drop. In Union County, crime is down 12 percent. So we are beginning to make some headway in the battle against crime.

In 1984 with the strong support of myself, Congressman Hughes, and in fact every Congressman here today, we passed tough new

legislation that was enacted into law and was designed to crack down on Federal criminal offenses. This legislation greatly restricts the insanity defense. It allows a court to deny bail under certain circumstances. It abolishes parole in favor of fixed and certain sentences, and it includes a provision that I have worked for since coming to Congress—a mandatory 5-year jail term for the use of a gun in a violent crime. New legislation also provides Federal assistance to States and localities for anticrime efforts.

In New Jersey tough new laws are also now in place.

Most encouraging of all, however, is the number of senior citizens directly involved in crime prevention, looking out for their neighbors and helping the police. There is much more to be done, however.

First, we must acknowledge that poverty and joblessness breed crime, and continue support for job programs, social services, and housing assistance.

Second, the Federal Government must continue to set an example by passing the kind of legislation that is needed to crack down on crime and hopefully by reestablishing the death penalty for certain crimes.

Third, Congress must continue financial assistance for State and local anticrime efforts and programs to help victims of crime and their families.

Finally, I am writing to the U.S. Attorney General to call for the establishment of a special elderly crime prevention and assistance unit in the Justice Department. That way we would have one central office that would be responsible for coordinating all Federal anticrime efforts and providing assistance to States and localities and senior citizens to combat crime and assist victims.

Working together, hopefully, we can make the kind of progress that is needed in the war against crime. Older Americans deserve no less.

I look forward to hearing from all of our witnesses today and thank all of you for coming.

Before recognizing other members of the committee who may have opening statements, I want to call on your mayor, Richard Taylor, who has a message of welcome.

Mayor Taylor.

STATEMENT OF HON. RICHARD TAYLOR, MAYOR, CITY OF PLAINFIELD, NJ

Mr. TAYLOR. Good morning.

Welcome to the city of Plainfield, to this Select Committee on Aging, a hearing discussing a major issue confronting all Americans, "Violent Crime Against The Elderly: A New Jersey Perspective."

I would like to thank our good Congressperson, Mr. Rinaldo, for having the good sense to come to the city of Plainfield to hold this most significant hearing. I would like to thank the congressional delegation who accompany him.

Before I continue, I think it is proper and appropriate that I introduce two council persons who represent the city of Plainfield. They are Councilman Frank Meaks, and, I believe, Council President Harold Mitchell.

I believe they are both here. Would they please stand? Let's give them a good round of applause.

This morning we are here to welcome each and every one of you to our fair city. It is significant that we are hosting this hearing in Richmond Towers which is the Taj Mahal, in my judgment, of senior citizens housing in Union County.

We come out of a sense of urgency, out of a sense of compassion.

I am happy to welcome each and every one of you here. We think that this event portrays a serious discussion. In my judgment, crimes against the elderly are the most violent, heinous criminal activity ever perpetrated on humankind. I think it is appropriate, however, that we not only talk about the misery index, but that we also talk about solutions, Congressman Rinaldo and other members of the delegation; that we ought to support those urban cities in the grips of a mighty battle against violent crime.

I think this hearing will be productive. It clearly will be reflective; what is needed, in my judgment, against the war against crime.

You have a variety of information that you will impart to the residents here, a discussion of criminal victims. You will hear from Federal, State, and local officials. You will have major information imparted from the law enforcement groups and from the aging services community. I would only hope we will distill this information and provide a battle plan to take back our streets, to support the elderly, and to continue our efforts against crime.

Thank you very much.

Mr. RINALDO. Thank you, Mayor Taylor.

I would also like to recognize Barbara Johnson, chairman of the Housing Authority of Plainfield, who was gracious enough to help with the arrangements for the use of this facility.

STATEMENT OF BARBARA JOHNSON, CHAIRMAN, PLAINFIELD HOUSING AUTHORITY

Mrs. JOHNSON. To our honorable guests and our honorable visitors and friends who are here today, first, I am very, very happy to see we had such a nice turnout today because it is a good reason why we all should be here and hear what is going on.

Second, I am very, very much honored on behalf of my commissioners and my staff that you chose the Richmond Towers to hold this hearing. We are very proud of this building and any time you see fit to come down, walk through and look at our building, please feel free to do so.

I have two commissioners I would like to stand: Commissioner Dixon and Commissioner Balcomb. Those are the two I see here.

Mrs. Room, are you here? Oh, she is; I am sorry. And Mrs. Room is here.

Again, thank you very much for being here, and again, welcome to Richmond Towers.

Mr. RINALDO. Thank you, Mrs. Johnson.

Before we proceed with the hearing, I have a few announcements.

As a courtesy to others, please refrain from smoking.

Second, a committee announcement. For any individuals who are not on the witness list—I know there are some people who have statements they would like to have inserted into the record—if you would just give the statements to Mr. John Vihstadt, the minority counsel, to my right, they will be inserted in the record in their entirety; or if you don't have a printed statement here and you would like to send a statement to us, simply send them to me at the House Select Committee on Aging in Washington, DC., and we will make sure that they are included in the record.

Without objection, the hearing record will remain open for 30 days for those who wish to make submissions.

I would now like to call on the next member of the committee, the Honorable William Hughes, for an opening statement.

STATEMENT OF REPRESENTATIVE WILLIAM J. HUGHES

Mr. HUGHES. Thank you, Matt.

Good morning. I am very happy to be here in Plainfield this morning with my able colleagues, Matt Rinaldo, who is ranking on the Aging Committee; my good friend, Dan Mica of Florida; and Chris Smith of New Jersey, on a very important subject, crime and the elderly.

First, let me congratulate Matt Rinaldo on convening this particular hearing. I think it is a very timely subject. I have worked with Matt on the Aging Committee since its formation, as a matter of fact, some 10 years ago, and I might tell you that on matters affecting the elderly, why, no one is ahead of Matt Rinaldo. He is in there fighting constantly for programs that benefit and protect the aged of this great country of ours.

As chairman of the House Judiciary's Subcommittee on Crime, I have a special interest and concern about this subject. I would especially like to address the subject of fear; the almost paralyzing fear of becoming just another crime statistic that prevents the elderly from living full and normal lives.

Fear of crime among the elderly citizens of this country is certainly understandable. Those living on a fixed income have everything to lose by becoming crime victims So even if the actual rate of crime, and especially violent crime against the elderly is lower than for the rest of the population—and it is—the fear is real because the consequences are that much more disastrous.

A recent study by the Department of Justice shows that the most common kinds of crime against the elderly are those involving purse snatching and pocket picking.

Of all age groups, the elderly are the least likely to be victims of robberies and assaults. In fact, only 17 percent of all crimes against the elderly involve crimes of violence unrelated to theft. In addition, of all age groups, the elderly are the least likely to be either attacked or injured during the course of a crime.

While this is an encouraging statistic, it unfortunately appears to be so because the elderly are afraid, in many instances, to go out of their homes, particularly at night. While the elderly are no more likely to sustain serious injury than any other age group, their fear of injury keeps them from fighting back.

A recent study shows the elderly constitute approximately 11 percent of this country's population and that by the year 2000, that figure will grow to around 17 percent. This means that we must be increasingly vigilant. As the population increases, we must take additional measures to protect the elderly against crime.

There are many new Federal laws that will have a direct and key impact on elderly crime victims. Matt has mentioned the omnibus crime bill that passed in the last session of Congress, and particularly the Justice Assistance Act, which is just being implemented now by the Department of Justice.

There have also been recent changes in victim-witness compensation law, sentencing law, preventive detention, pharmacy robbery, a whole new series of updates of the drug-related offenses which, as you well know, account for much of the incidence of crime in this country.

I can assure you that the Congress of the United States will continue to examine this issue and to support state and local crime-fighting programs which are really on the front line of defense against crime in this country.

We have an impressive list of prominent and very knowledgeable witnesses who will testify here today. I know they will add a great deal to our knowledge of the issue and to the hearing record. I look forward to hearing the witnesses, and in particular, to developing a hearing record that will assist us in doing our work.

Thank you, Mr. Chairman.

Mr. RINALDO. Thank you, Congressman Hughes.

I would now like to call on Congressman Chris Smith from New Jersey who also has an opening statement.

STATEMENT OF REPRESENTATIVE CHRISTOPHER H. SMITH

Mr. SMITH. Thank you, Mr. Chairman.

First of all, I would like to join my colleague from south Jersey in congratulating you on holding this hearing. You have indeed been a tenacious fighter for the elderly, as the ranking member of the Aging Committee. You have been fighting for Social Security, Medicare, and the Older American Act reauthorization. You have always been out in front.

This issue is a very important one and I think it is very fitting we are here in Plainfield, here in the State of New Jersey, where some 17 percent of our population is elderly or will soon be elderly. That figure has grown every year as people turn 60 years of age and older.

I would also like to welcome our friend from Florida who has come a long way in Congress, Dan Mica. We share the same committees in Congress, Aging, the Veterans Committee, and the Foreign Affairs Committee. He certainly has come a long way to be here with us today, and I think all of us should welcome him in a very special way.

I would also like to comment on Mayor Taylor's opening remarks, very cogent.

Mr. Chairman, it is appropriate that we focus attention on this important issue of crime against the elderly. The U.S. Justice Department has stated that about 182,000 older Americans will be

victims of violent crime this year. Another 642,000 will suffer a theft. In addition, about 60 percent of our elderly population live in urban areas like Plainfield, like Trenton, like the city of Newark, all areas that are more likely to have a criminal element that is very active.

To most Americans, Mr. Chairman, the very thought of crime against the elderly is abhorrent, contrary to every value we hold dear. We respect the contribution of older Americans who have made our lives so much more productive and enhanced. And as we pay them the honor they surely deserve, potential assailants see the elderly as vulnerable prey, people to attack.

In 1982, the Attorney General of the United States appointed a task force to explore the effects of crime on its victims, including the elderly. As the members of this task force learned from witness after witness, violent crime honors no sanctuary and is no respecter of race, color or sex. It can strike at any time, as I am sure some of our witnesses will tell us today.

Older Americans, because of their age and perceived vulnerability, are even more open to attack. On a personal level, the consequences of being an elderly victim of crime can be devastating physically and emotionally. An elderly man walking down the street at lunchtime is assailed from behind and left permanently blind. An elderly woman's purse is snatched, she is thrown to the ground suffering injuries, a broken hip, perhaps, that prevents her from ever walking again.

These are stories which surely cry out for restitution and prevention.

Mr. Chairman, one of the victims who testified before the Attorney General's task force shared the total destruction of a victim's life and what that can be like. She said, and I quote:

> I am a senior citizen, but I never considered myself old. I was active, independent. Now, I live in a nursing home and sit in a wheelchair. The day I was mugged was the day that I began to die.

Mr. Chairman, the appalling results have consistently shown that older persons are more concerned about the impact of crime on their lives than they are about their health, income, or most other social problems. Seniors alter their behavior out of fear, as my friend from south New Jersey just noted, fear of being victimized.

Our Nation's elderly should not be forced to exist from day to day in fear of their lives and their property and in fear of what the future might hold for them.

Finally, Mr. Chairman, I would like to applaud those efforts which have been outlined by both yourself and the chairman of the Subcommittee on Crime, Mr. Hughes, the projects and programs undertaken as a result of Federal, State, and local intervention.

I look forward to today's testimony. I know we will gather a record to help the committee as well as the full Congress to develop a more comprehensive plan of attack to try to stem this rising tide of crime against the elderly.

Thank you very much.

Mr. RINALDO. Thank you very much.

Our final opening statement will be given by our good friend, Dan Mica, Congressman from the State of Florida.

STATEMENT OF REPRESENTATIVE DAN MICA

Mr. MICA. Thank you, Congressman Rinaldo.

I want to say it is great to be in New Jersey, up here from Florida, and I will say that, but I must tell you it is about 80 degrees down there today. So it is good to be here, especially with my friend, Congressman Matt Rinaldo.

Let me tell you, he certainly is a leader in the Congress and on the Aging Committee on the issue of senior citizens. We have had hearings in my own district. Matt can tell you, we had over 900 people come out to one hearing on HMO's, health care, Medicare, housing, consumer affairs, all of the items that affect aging.

We are both members of the Aging Committee that really and truly is a genesis for ideas, a focus for ideas in the Congress that eventually become legislation in this Nation and help those in this room and those throughout the Nation.

I heard it said, Matt, that in this area, the aging population over 65 is about 17 percent. Nationwide, it is about 11 percent. In my own district in Palm Beach County, Florida, my seniors are 43 percent of the population. So we understand, and, in fact, we have to be on the cutting edge of meeting the needs and solving the problems of seniors.

I would like to make this observation: Coming in from the airport this morning, I saw what is a sign of the times for America right here on East Front Street because the same sign is in Palm Beach, and the same signs I see around Washington. I saw it right down the street here just a few blocks. That is a Crime Watch sign posted just down at the end of the street. I think it does tell that Americans are concerned, and Americans are taking the law into their own hands in this manner in a positive way, not like some of the situations we have seen here with the Bernard Goetz situation in New York City.

I don't know how many of you saw just the other day on the news in Boston where a young lady had her purse stolen. The man was captured the next day. He shot her at close range and was released on $500 bail the next day.

Those kinds of things bring about the cynicism and the concern that make Americans upset and join Crime Watches and at least try to do it in this area in a constructive way.

That is what we are here for today, to see that we, the Congress, want to heed the warnings of the American public. It is important, and for our senior citizens.

Senior citizens—our experience in Florida with such a large population—are a growing target of fraud, scam, abuse, con artists, and now more and more violent crimes.

I think, and I truly believe—and that is why I am here today, Matt—that we in the Congress need to heed the warning. The local officials need to start heeding that warning. Your State legislature, your municipal courts, and the judges who set these bails and bonds, need to start heeding that warning. If we all do, we can

avert the improper taking of authority into your own hands and move on with the business of governing this Nation.

But there is a cynicism. It is growing. I am hopeful that is the job of this hearing, that we can focus attention on it and as a result make some changes that can get us all a better lifestyle and the kind of security we deserve in this Nation.

Thank you for allowing me to be with you.

Mr. RINALDO. Thank you very much for being with us, Dan.

I noticed another member of the Plainfield Council here who walked in, John Campbell. Is he still here? Thank you for coming, John.

We will now call the first two witnesses: Fred Delnero of Scotch Plains, age 74; and Blanche Zidonik of Springfield, age 69.

I might also mention that a third victim was scheduled to come but declined to appear at the last minute out of fear, because she didn't want to relive her terrible experience once again. So I certainly want to, right at the outset, commend these two witnesses for their courage and willingness to come here today and share their experiences with us.

I want to thank you both again for coming. I am sure they will be a very important part of the hearing. Will you proceed, please, Mrs. Zidonik.

PANEL ONE—ELDERLY VICTIMS: CONSISTING OF BLANCHE ZIDONIK, SPRINGFIELD, NJ; AND FRED DELNERO, SCOTCH PLAINS, NJ

STATEMENT OF BLANCHE ZIDONIK

Mrs. ZIDONIK. I have these notes here with me to help me.

On October 24, 1984, between the hours of 10:30 and 11:00, I was mugged at my front door. I had just returned home from my son's home where I had been babysitting.

I am a very cautious person, and when I am alone, especially after dark, I check the rear view mirror of my car when I turn into my street to be sure no one is following me.

When I pull into the driveway—I don't have a garage—I park the car and get my key ready to get in the house; check the general area to be sure no one is lurking around, and then proceed to go in.

The street is well lit, particularly at that point. My house is well lit. I have spotlights in back and the front door light on; lights in my house that are arranged by timers. I even leave radios on to try to create the impression that someone is at home, and I have deadbolt locks on all my doors, including the basement door and my bedroom door and everything, I guess, except the refrigerator.

As I was putting my key in the door, I heard dry leaves crunch on my front lawn, and turned slightly, expecting to see a neighbor, and I quickly realized the man was a stranger. He started running towards me, and because I was in an awkward position, it was difficult for me to turn fast. He was apparently not bothered by the fact that the lights were bright and I could see his face very clearly.

And he—really, at that moment, I was more startled than I was frightened.

As I turned, he pulled his arm back and proceeded to sock me on the jaw. My pocketbook was wrapped, the strap was wrapped around my arm.

I would gladly have given it to him, but he pulled at it. In doing so, it pulled me down on my right leg and created injury that is probably a permanent injury. At that point, he started running away and I started screaming, "Help. Police. Call the police." I later learned the switchboard lit up at the police headquarters, and I watched him run down the street.

I am an amateur portrait artist, and I just naturally observe peoples' coloring, features, and so on. So I remember him very, very well, and when I watched him go down the street, I waited until he turned, and then I attempted to get up.

I managed to get up and get in the house and called the police, who said the police were on their way because somebody else had called.

I called my son who came down shortly thereafter.

I went with the officers who answered the call and my son to the police headquarters and I gave a description of what happened and a complete description of the mugger, and a few days later, a State police artist did a sketch from my description.

It is 4 months since that has happened and I have been very much affected by the experience. I no longer feel comfortable living alone, yet, there is very little I can do about that. I am unable to drive because my leg injury keeps me from doing that. I plan to go to the J.F. Kennedy Rehabilitation Center and take lessons to drive with my left foot. That costs about $45 an hour.

When the instructions are completed and I am able to do that, then I can have my car fixed. That costs about $100.

I was under the care of six doctors. I am still under the care of two doctors. I have been X-rayed and I have had a CAT scan. I have been examined and treated with electromiography and it is necessary to have daily therapy with exercises and a quadraflex neuromuscular stimulator. I must rent the stimulator at $129 a month. I must do this at home because I am unable to drive, and my daughter cannot take me every day because she lives in Old Ridge Township, which is about a 40-minute drive from my home.

All of this has been very painful, very frustrating, and very expensive. It has been difficult for my family, as well. I have not been able to work because I cannot drive and because I am not well enough to work. Since it is dark early during the winter months, I would be nervous about coming home at night alone after dark. Therefore, I have a considerable loss of income. I am collecting disability, which is very helpful, but it does not cover all of my salary. I also have medicare, but it covers part of the very, very high medical costs. I am still unable to work and I am still being treated.

The quality of life should be wonderful at this point, but it is not. Many people have suffered these dastardly crimes. People of all ages have been assaulted. It is particularly hard on senior citizens. They are especially vulnerable because they cannot react as quickly. They can be more seriously injured because of their age, and as a result, they just depend on others when independence is so important to their happiness and their reason for living.

When they can maintain reasonably good physical ability, they can be helpful not only to themselves, but to others, and make life worthwhile. That is what we are all living for, to feel life is worthwhile. When you get older, you get to realize you are getting close to the time for death. You begin to feel very unnecessary in the usual stream of things. When you have something like this happen, it really enhances all those feelings. It is a very depressing thing, very hard to cope with.

Where does the fault lie? Well, it stems from every facet of our daily lives. It starts in the home with good training, education, a good one which really teaches. It should give every child the ability to support themselves so that crime is not their career.

We need good politicians like we have here who will really represent and protect our interests; a strong police force who will be supported by the public because they have earned the respect of the public with their honesty and integrity; people who must understand that these services have to be paid for and are willing to pay for them because they know that the money paid will be used for that purpose and not slipped into greedy hands for another kind of criminal.

We need more police so that the towns and cities can be watched at all times. When criminals are apprehended, they need to be punished, as well as rehabilitated, and not be excused for any reason. Under certain circumstances, the crime could be erased from the records, but it should always be punished and impress the perpetrators so that they will not have it happen again.

We could spend a lot of time talking about these things. I find myself a much more nervous person. I find it—I went to put the garbage out the other night and suddenly realized it was dark out, and all of a sudden I felt like people were watching me. It was a very frightening thing. I could hardly wait until I got into the house, but that is all I have to say about that.

Mr. RINALDO. I want to thank you very, very much, Mrs. Zidonik. I am sure it was very painful for you to have to tell that story over again. We will reserve any questions until we hear from Mr. Delnero. Mr. Delnero, you may proceed.

STATEMENT OF FRED DELNERO

Mr. DELNERO. My mugging happened sometime in November. A friend of mine called me over, he had a problem with his toilet tank, at about 5 o'clock at night. So I guess I got there about 5:30, installed the new valve. When I—I had to go outside for another part in the car. When I had my head in the wagon with a flashlight looking for the part, my head was stuck in the door, then I heard a voice ask if I had jumper cables. He was very pleasant. I said, "No, I didn't."

Then he asked me if I had a jumper bar, a jumper bar, which I know there is no such thing. Still, it never dawned on me I was going to get hit. So after looking a few minutes more—I couldn't find the part—I took my head out of the car. All I felt was a piece of steel like it was shot out of a cannon. I went down to the ground. I guess I was knocked out for a few seconds. Then all I could see

was two shoes and legs in front of me and I immediately yelled for help. A friend of mine came running out. Then two of them took off.

There was a car down the street waiting for them with two more in it. That is just about it. They took me to Mullenberg, stitched me up. That was it.

Mr. RINALDO. Well, thank you also, Mr. Delnero. We certainly appreciate the testimony that both of you have given. It is extraordinary in the sense that most people really don't want to talk about it and would refuse to come to a hearing of this type. But I am sure that, as part of the official record, this will help to make that kind of contribution that in our view is so important so that additional legislation and whatever other steps that are taken can be taken not only in this city, county and State, but nationally so we can cut down on the incidences of this type of crime.

Mr. DELNERO. May I say one more thing?

Mr. RINALDO. Sure.

Mr. DELNERO. Like Mrs. Zidonik said, at night I won't go out after the sun goes down.

Mr. RINALDO. Let me ask you this: What words of advice do you have for others to help them avoid what happened to you?

Mr. DELNERO. I don't know. The way I got hit, I don't have any.

Mr. RINALDO. Do you have any advice for other people, Mrs. Zidonik?

Mrs. ZIDONIK. No, other than what I have said. You utilize every source to be careful. You have to be on guard all the time. It isn't the total answer, but, of course, it does help. I don't know what the answer can be. It seems to me that these criminals know, if they would simply utilize their great intelligence for things that are worthwhile instead of how they can get around these crimes, but they know exactly what they are doing, how to get away with it and everything else. I don't know what the answer is except to do everything you can.

I talked to every widow on my street, and there are quite a few, and told them what happened. They were afraid if they had a dead-bolt lock and they got sick, someone couldn't get in. I tried to assure them that they could break the door in. It isn't that you will keep the criminal out, but at least you know.

I have a dead-bolt lock on my bedroom door. They could break the door down, but I feel it would give me an opportunity to call the police or climb out the window, or do something to get away from that person. You just have to do everything you can to guard against permitting them to do these things to you.

Mr. RINALDO. Is crime against the elderly a serious concern of those folks also that you spoke to?

Mrs. ZIDONIK. Oh, yes. They are all over 65, every one of them.

Mr. RINALDO. Would you say that was their major concern?

Mrs. ZIDONIK. Yes. That is all you are concerned with in life any more, really. You have to worry about paying the rent and buying food. But you have to also constantly be worried that—I don't feel that because this has happened to me, that now I have had my turn and it is not going to happen again. I feel like my house is probably going to be broken into at some time. I try and be prepared for the fact that I will have to handle it some way.

Mr. RINALDO. Is there anything else you think we could do at the Federal level, or things that should be done at the State, county, and local level?

Mrs. ZIDONIK. Well, it is a very broad—you know, it covers many things—all the things that I mentioned. And it involves everything, everybody's attitude about it.

You know, it has to start with a good education for these young kids who think they don't have to have an education; that they can just use crime as a career, as a way of life.

Mr. RINALDO. Thank you very much.

I also want to thank Pat Wood. She is the victim/witness coordinator for the Union County prosecutor. She is the young lady sitting between Mr. Delnero and Mrs. Zidonik. They do have an excellent program in Union County.

Pat, we appreciate your assistance.

Mr. Delnero, among the people you speak to, is crime against the elderly one of their major concerns, also?

Mr. DELNERO. Definitely.

Mr. RINALDO. Would you say it is their No. 1 concern?

Mr. DELNERO. Yes.

Mr. RINALDO. What else do you think? What would make you feel better? What do you think we should do at the Federal level? Or do you have any recommendations for steps that could be taken at the county, State, or local level to prevent recurrences of this type? Where do you think we are falling down on the job, if you will?

Mr. DELNERO. Well, I don't know whether you are falling down or not. But I think they deserve more severe punishment than they are getting. This is the way I read it in the papers; that a mugger will get sentenced to 5 or 10 years, or 1 year, or whatever. A week or 1 month or 2 months later, he is out.

Mr. RINALDO. We all pay taxes. Part of that tax dollar, particularly at the State level, goes for the building of jails.

Would you be willing to pay more tax dollars to have more jails constructed so people could be incarcerated for longer periods of time?

Mr. DELNERO. Well, I don't know about that. I still think the punishment is too light. I don't think——

Mr. RINALDO. Would you favor the construction of more jails?

Mr. DELNERO. With what?

Mr. RINALDO. I have no further questions.

Congressman Hughes.

Mr. HUGHES. Thank you.

Mr. Delnero, was the assault on yourself reported to the police right away?

Mr. DELNERO. Yes.

Mr. HUGHES. Was there follow-up by the police?

Mr. DELNERO. Yes.

Mr. HUGHES. Do you have a Crime Watch Program in your home city—what is it? Scotch Plains?

Mr. DELNERO. Yes.

Mr. HUGHES. You do have?

Mr. DELNERO. No, not me.

Mr. HUGHES. Is there a Crime Watch Program in the city, Scotch Plains?

Mr. DELNERO. No.

Mr. HUGHES. There is not.

How about in Springfield?

Mrs. ZIDONIK. I don't know. I have not been made aware of it. That may be my fault. I have lived in Springfield for 37 years and I feel that the police there are very helpful and give very good service. I think possibly, because Springfield has grown considerably in that length of time, we could use more policemen, more prowl cars. And I know that a lot of people said no, they wouldn't pay for jails. But that is one of the things that they have to take part of in this crime situation.

Mr. HUGHES. Well, you know that is one of the inconsistencies we find all the time in that we want to do something about these things, but they do cost money. And municipalities often have a very difficult time securing the resources to put on additional personnel. Unfortunately, it is often difficult to attract personnel. Police officers are often underpaid; they have to take on second jobs in many of the communities because they are not paid enough to make a decent living.

Let me ask you about your friends and acquaintances who are also victims of crime. Do you find there is any reluctance to report crimes against them to the authorities?

Mrs. ZIDONIK. Yes, I think people are afraid to do that. I think they are afraid the person will come back again. They are very rarely found, these criminals. And the police have been to my home with mug shots, and I gave a description; spent about 2½ hours with the State artist, and he did a very fine drawing of the criminal. But he hasn't been found. That is the case most of the time.

Mr. HUGHES. Do you have friends that—you know—have been victimized that have been reluctant to go to authorities and haven't gone?

Mrs. ZIDONIK. I don't know that they have absolutely refused. I don't know them that well. But as far as I am concerned, they expressed a reluctance to do that.

Mr. HUGHES. I see.

Mrs. ZIDONIK. They are afraid. And many people are concerned, understandably, about taxes and paying for these things. But that is what I said before; that it involves everybody. We can't expect to fight these criminals unless we pay for it. We have to. It is better to do that than to be the way we are now.

I mean, I have spent a lot of money trying to make my house criminal-proof. Of course, it isn't. And I spend a lot of money in electric bills every month. I am just an ordinary person but I feel that that is important to my sense of peace, if there is such a thing in life any more.

Mr. HUGHES. Can I make a suggestion to you? The Crime Watch Programs have been inordinantly successful. I would recommend to you that you check it out. The way they come about is through citizens like yourself who become very actively involved.

Considering the extent of the problem, the police can't do it all. They need community support. And Crime Watch, I think, has had a major impact throughout this country in reducing the incidence of crime.

I want to thank both the witnesses, Matt. I think they have both given us that dimension that we look for. You have to hear the human interest stories to really see just what psychological and other scars are left by these types of violent acts.

I think the testimony has been very helpful. Thank you.

Mr. RINALDO. Congressman Smith.

Mr. SMITH. Thank you, Mr. Chairman.

I would like to join my friend from South Jersey in thanking you for giving us this actual case history.

Mrs. Zidonik, do you believe fear of crime—in talking to your neighbors and friends—is a prime motivater for senior citizens who seek to move into a safer environment like Richmond Towers and other senior complexes?

Mrs. ZIDONIK. I think it is. Yet, there is—for instance the street that I live on, they are very nice—with small homes, many widows, a few widowers. They have lived in their homes for a long time. They are comfortable there. It is quite a wrench to think about, contemplate giving up the home. I guess if you can find nice facilities like this, you are lucky. Trying to move to—because I have investigated it. Trying to move to a condominium type of place where there are things like snow and lawns and leaves and so on are automatically taken care of, it is not an easy thing to do. They are very expensive, and you are on a fixed income.

My husband has been dead almost 4 years. I am sure before he got sick that he felt that I was well taken care of. But it doesn't work out that way. I am able to live, pay my bills. And I guess that is a good thing to have. But I certainly don't have any great luxuries. And I do work in order to supplement my income, and I find it is necessary.

I don't know how long I am going to live. What happens when I retire? The cost of living today is absolutely exorbitant.

Mr. SMITH. When the incident did occur, did any of your neighbors answer your plea for help by coming out?

Mrs. ZIDONIK. Yes. A couple men came out. One ran down the street trying to chase this fellow, who was long gone by then.

Oh, I got several telephone calls. My next door neighbor—the one on this side—is in Florida for the winter. The one on the other side was there and was very solicitous and helpful.

It is a very nice neighborhood; very nice people living there. They are all afraid of the same thing.

Mr. SMITH. One last question would be in reference to your family.

How have they taken it? Like your son? Anger? Resentment?

Mrs. ZIDONIK. Yes. Anger. Bitterness. It has been a very big chore for my daughter. My son works for the county, and he is very busy. My daughter doesn't work, but she has a family and has had to make many trips a week up here to take me to doctors, to take me to the store. I just can't drive until I get this business of rehabilitation taken care of.

Mr. SMITH. Thank you very much for your comments.

Mr. RINALDO. Thank you, Congressman Smith.

Congressman Mica.

Mr. MICA. Just a couple brief points.

First, I can't help but notice as we sit here and talk about crimes against the elderly that you are framed above your head here by four security cameras in this building. And I think that is another sign of the times.

Congressman Rinaldo, I don't know this area well. I am going to take a little liberty with the audience, if I may.

You have all heard the story: Two people mugged, attacked. We have some law enforcement officers in the room, and I think they work overtime to do their job.

But let me ask you: How many people here—if you will raise your hand—think the people that they talked about will be caught?

How many here think they will be convicted?

Mr. RINALDO. If the gentleman will yield.

Were either of your assailants caught?

Mrs. ZIDONIK. Mine wasn't.

Mr. RINALDO. Mr. Delnero?

Mr. DELNERO. I don't know. I didn't see them.

Mr. RINALDO. No. I mean, did the police actually arrest the individual who mugged you?

Mr. DELNERO. No.

Mr. RINALDO. No.

Mr. MICA. How many think if they are caught, they will be convicted?

A few.

How many think if they are convicted, they will receive an appropriate penalty?

[Chorus of noes.]

Mr. MICA. I think that points out—and I don't know whether this district is rich or poor, young or old—I think that points out what I have mentioned earlier.

Did you hear the question back there? Maybe they didn't hear it.

The point I am raising here is, you have heard a story—very difficult stories that have been repeated hundreds of times in this community, and tens of thousands in this Nation. There is a great cynicism growing in this nation that they will never be caught; and if caught, they won't be convicted; and if they are convicted, they won't get the appropriate penalty. I think that is the focus of what we are here for today.

I appreciate you saying this and coming forward. I know there are law enforcement people here in the room today, and I think this is a part of the problem that we have to deal with as legislators, law enforcement officials; that not only is it going on, but there is no perception and no feeling in a larger and larger part of our society that something will be done.

Thank you very much. I truly appreciate you being here.

Mr. RINALDO. I want to thank you both again. We certainly applaud your courage in coming here this morning and testifying. It will become part of the record.

I think it is important for that record to contain testimony from people so that other members of our committee—which happens to be the largest committee in the Congress, with 65 members—can

learn first-hand this type of account from an elderly victim and exactly what you go through and how it affects your lifestyle as a result of the unfortunate incidents that took place. Thanks again.

I will now call on the next panel. That is a panel of Federal, State, and local law enforcement officials.

Thomas Greelish, first assistant U.S. attorney for New Jersey; the Honorable Irwin Kimmelman, attorney general for the State of New Jersey; Col. Clinton Pagano, chief of the New Jersey State police; and Edmund J. Tucker, first assistant Union County prosecutor.

I might mention that the U.S. attorney for the State of New Jersey, Hunt DuMont, had a case this morning and couldn't be here. And prosecutor Stamler was away on another matter and is going to be very ably represented, I am sure, by first assistant prosecutor Edmund Tucker.

I might also, before you begin, state that for any of the witnesses who want to synopsize their statements or synthesize them in any form, the entire statement will be put in the record.

You may proceed, Mr. Greelish.

PANEL TWO—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICIALS: CONSISTING OF THOMAS W. GREELISH, FIRST ASSISTANT U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY; HON. IRWIN I. KIMMELMAN, ATTORNEY GENERAL, STATE OF NEW JERSEY: COL. CLINTON L. PAGANO, SUPERINTENDENT, NEW JERSEY STATE POLICE; AND EDMUND J. TUCKER, FIRST ASSISTANT PROSECUTOR, COUNTY OF UNION, NJ

STATEMENT OF THOMAS W. GREELISH

Mr. GREELISH. Thank you. Good morning, Mr. Chairman, ladies and gentlemen. Violent crime is particularly reprehensible when its victims are elderly. Because they are more vulnerable than those who are younger, they are easier targets for the thugs and hoods. Regretfully, our elderly are painfully aware of this, as has been pointed out in the statements of the Congressmen, and have retreated to the comparative safety of their homes and apartments. Sadly, their fear has imprisoned them in their own communities.

Since 1982—my predecessor testified before this committee and stated that a number of things were in the offing. A number of things have changed since that testimony. Perhaps the most important and most significant thing that has changed is the drop in crime rate nationally and here in New Jersey. The reasons for that drop are varied and are perhaps better discussed by my colleagues from the State government—attorney general Kimmelman, with whom I had the pleasure of serving almost 2 years; and Colonel Pagano; to say nothing of Ed Tucker. Suffice it to say that the elderly are proportionate beneficiaries of that drop in the crime rate.

The elderly, as a group, continue to experience a lower victimization rate than those younger. This is little solace to those who are the victims. This, again, as has been pointed out, is probably due to the fact that they avoid situations which may endanger them and their reluctance to go outside the safety of their homes. The impact on them when they are victims is much more harshly felt. They have much less to give. Therefore, the loss of any item, whether it

is a television set, a stereo, a household item, has much more significance. Their health is not as strong, obviously, as their younger counterparts, as a group. And so they experience more in the way of loss.

We have heard the statistics that they are four times as likely to be the subject of robberies as their younger counterparts when there is an assault. The reason for that is they are more vulnerable to those who would steal their money, their purses, their wallets. Because of the health situation, not infrequently senior citizens are the subjects of more serious crimes than their counterparts who are younger.

I must say that in large measure due to the efforts of this committee, a number of efforts have taken place on the national scene that have improved the situations under which our elderly live. In 1982, the Victim and Witness Protection Act was passed. That act, probably for the first time on a national basis, sensitized the law enforcement community to the concerns and needs of victims of crime. It brought offers of help to those victims. The act contained various provisions which are now being implemented throughout the country. Two of perhaps the most significant things that we see on the Federal level are that the courts are now empowered to order restitution to those who are victimized by crime. That restitution is funded by assessments made by judges at the time sentences are imposed. The act additionally required guidelines be adopted by the Attorney General of the United States. That was done. In every U.S. attorney's office in the United States there is a manual for procedures on dealing with victims and witnesses. It incorporates such things as advising victims of the available emergency services; giving them information on compensation that they may receive, and treatment; how the system works.

One of the items mentioned by our two victims is protection. Protection of the victims is discussed with them in our office, and they are given telephone numbers where they can contact somebody who can assist them. They are given a handbook, which has been prepared by the Department of Justice, that explains the system to them so it is not such a strange entity that they are entering into.

The U.S. Attorney's Office in New Jersey has an assistant U.S. attorney whose function is to act as coordinator of our Victim/Witness Program. We maintain an updated list of all community agencies that can provide assistance because, as this panel knows, the U.S. Attorney's Office covers the entire State. Those services vary from area to area.

We also have, with the thanks of the people in State government, the New Jersey Violent Crimes Compensation Board, which I suspect Attorney General Kimmelman will talk about in greater length. We apprise those who are victimized of the availability of resources under that board and that act.

I must say to the committee and those present that the act has succeeded in sensitizing the law enforcement community to the plight of the victim. Implementation is under way and will hopefully ease the burden.

Perhaps on a closer level to the areas that I am involved in is the Comprehensive Crime Control Act, which was just passed last fall. Its effect on senior citizens in the area of being victims of vio-

lent crime is indirect, but it is pervasive. It has been said by people in the law enforcement community that 95 percent of the crime is committed by 5 percent of the population. It seems, unfortunately, that the same people commit numerous criminal acts over and over and over again, each one leaving its own victim. If those criminals can be kept off the street, we all will be a lot safer.

Recognizing that, the new act enables our Federal judges, for the first time, to consider danger to the community in setting bail. If a judge concludes that there are no provisions of jail that will satisfactorily protect the community, then the defendant is held in what is called pretrial detention. He is not permitted to go out on the street.

Additionally—and I might point out, by the way, in conversations I have had with Attorney General Kimmelman and others in State government, I think the State is considering adopting something similar to that—the act provides for revocation of bail, so if a defendant out on bail violates the conditions and provisions, they will have their bail revoked and be put back in jail.

There is also a provision that provides for incarcerating a defendant while he is appealing his case.

Perhaps the most important change, as I am sure this panel is aware, in the new Comprehensive Crime Control Act, are the sentencing provisions. They do not take effect until the fall of 1986 but, as was pointed out, the issue of parole will no longer be an issue in the sentencing structure of the Federal system. Parole will be abolished. Each defendant will be sentenced to a specific determinant term of sentence pursuant to guidelines. If a judge deviates from those guidelines, he must explain why. If the deviation is such that the government, the prosecutors, feel his acts have been improper, they can take an appeal.

One of the things that I think has been pointed out by Congressman Rinaldo in his opening statement is the provision under the act for mandatory jail sentences for the use of guns. In this instance, the State of New Jersey has been ahead of the Federal Government. The Graves Act in New Jersey provides for mandatory jail sentences where a gun is used. I regret to say—and I address members of the panel at this point—that that provision is not as pervasive as it might be in terms of what crimes the penalty is imposed under. We can talk about that later.

Also in the new act, the 1984 act, were provisions for victim compensation and assistance. Two primary areas in terms of violent crime on the elderly are grants to the State victim/witness assistance programs, such as we have here in New Jersey—I think I pointed out funds for that are provided by penalties imposed on defendants. Various agencies funded under the act are already engaged in efforts directed at the problems of victims: training, drafting model legislation, providing a national information clearinghouse, research on family violence, and crime prevention.

As was pointed out and was evidenced, sadly, by testimony of our witnesses, perhaps the greatest part of the harm created by criminal acts on the elderly is fear of its repetition. Experiments were conducted, one of which was done here in Newark, on fear and its effects on citizens. Early results have drawn the conclusion that

circulating information about crimes, publicizing crimes, does not increase the anxiety of the citizens.

There is, additionally, the National Citizens' Crime Prevention Campaign featuring McGruff, the dog, and the "Take A Bite Out Of Crime" slogan supports block watches, citizens' patrols, escorts, and other precautions. The purpose of that is to sensitize.

Let me point out what those of us in the law enforcement community recognize, sometimes too painfully well. Combating violent crime is, normally, a function of State and local law enforcement. Federal grant and research programs are one way we, at the Federal level, can help. To the extent that Federal criminal defendants either participate in or cause violent crimes, Federal law enforcement efforts would therefore result in helping to reduce violent crime on our elderly.

We have talked about the changes in our bail law and sentencing law. They help, but indirectly. Perhaps of greater significance, however, is the Federal effort to control narcotics. I suggest to this committee that narcotics is perhaps the largest single problem facing the Nation. Congressman Mica from Florida knows that only too well, because of the problems that have occurred in South Florida.

All too frequently, our elderly are victims of attempts by drug addicts to get the money to support their habit. I advise this committee that the limitation of manpower requires that Federal efforts, at least in this district, focus on the detection and arrest of the major importers and distributors who have turned New Jersey into a major narcotics staging area for the distribution of narcotics.

The President's south Florida task force was successful, at least to the extent that it minimized the amount of narcotics in Florida. Regretfully, what it has done is it has driven it up to New Jersey.

The attorney general's office for the State of New Jersey, for the district of New Jersey, has prosecuted twice the number of drug cases as the Federal offices in Manhattan and Brooklyn, and we have less manpower than they have.

I should point out to the committee that the President's task force has provided funding for five assistants in the U.S. Attorney's office. At last count, we had approximately 12 people in our criminal division; and in last count we had 19 people in the office working on narcotics cases. The result is that not only is our ability limited to deal with narcotics cases, but it limits our ability to deal with other efforts that more directly affect the senior citizens, such things as postal thefts, forgery of government checks, et cetera.

We must, in order to handle the flow of work, maintain certain minimums under which we do not prosecute cases. We have requests in to the Department of Justice for more manpower. We are hopeful that those requests will be met. We will get three new Federal judges in New Jersey. That will help. But it will help even more if we get the additional manpower—assistant U.S. Attorneys—to work in conjunction with them. I perhaps should defer to my colleagues from the State government in this area.

The unfortunate reality is that in our more populous counties the system is overloaded with major violent crime. In many instances—regretfully, I think—lesser cases of lesser momentum—purse snatchings, muggings—are going either unprosecuted or

result in being disposed of through plea bargains which put the defendant back out on the street. I am not being critical of those in the system; they are doing the best that they can with the resources that they have.

Our jails are overcrowded. There are not enough judges. Prosecutors are overworked. The police are understaffed. All of this acts to make life in our urban areas, where our elderly live, unattractive.

If life in our cities is to become pleasant for the senior citizens who live there, then a major initiative must be undertaken to substantially increase the capacity of law enforcement at that level.

We offer our assistance to this committee and Congress in whatever way possible.

I would be very happy to take any questions.

[The prepared statement of Mr. Greelish follows:]

PREPARED STATEMENT OF THOMAS W. GREELISH, FIRST ASSISTANT U.S. ATTORNEY FOR THE DISTRICT OF NEW JERSEY

Good morning, Mr. Chairman, ladies and gentlemen, violent crime is particularly reprehensible when its victims are elderly. Because they are more vulnerable than those who are younger, they are easier targets for the thugs and hoods. Regretfully, our elderly are painfully aware of this and have retreated to the comparative safety of their homes and apartments. Sadly, their fear has imprisoned them in their own communities.

Since 1982, when my predecessor testified before this committee, a number of things have changed. Perhaps most significant has been the marked drop in the rate of crime nationally and even greater reduction here in New Jersey. The reasons for that drop are varied and are better discussed by my colleagues from state government. Suffice it to say that the elderly are proportionate beneficiaries of that drop in the crime rate.

The elderly, as a group, continue to experience a lower victimization rate than those younger. This may result from their avoidance of situations which might endanger them and their reluctance to go outside the safety of their homes. The impact on them when they are is much more harshly felt. The Bureau of Justice Statistics reports that the elderly are almost four times more likely than their younger counterparts to suffer a robbery when they are assaulted. They are, the Bureau reports, more likely to be the victims of serious crimes. However, three-quarters of the crime against the elderly is personal theft and in 86 percent of the cases there is no personal contact.

Thanks, in part, to the attention of this committee, efforts are being made to improve the conditions under which our elderly must live.

In October 1982, the Victim and Witness Protection Act was passed. Designed to sensitize the law enforcement community to the plight of victims and to offer those victims help, the act contained a variety of provisions which are being implemented in varying degrees. Courts may now include restitution as part of a sentence and presentence reports include a victim impact statement to aid the court.

The act required the Attorney General to adopt guidelines for implementation. That was done and they are included in the manual adopted in each U.S. Attorney's office. The victim is advised of available emergency services, given information on compensation, treatment and how the system works. Protection is discussed and they are given contact phone numbers. They are advised of scheduling changes and where the case is in the process. Employers are notified of problems and property is returned as soon as possible. They are provided with a Victim-Witness Handbook, developed by the Department of Justice, which explains the system.

In implementing the act, our office has assigned as Assistant U.S. Attorney whose function is to act as a coordinator. We maintain an updated list of all community agencies that can provide assistance. We also have a supply of brochures and forms from the N.J. Violent Crimes Compensation Board.

The act has succeeded in sensitizing us to the problems of victims. Implementation is underway and will, hopefully, ease the burden on those who are unfortunate enough to have been victimized.

Last fall, President Reagan signed the Comprehensive Crime Control Act which has a number of features which will have the indirect effect of improving life for our Senior Citizens. It is said in law enforcement circles that 95 percent of the crime

is committed by 5 percent of the population. It seems that the same people commit numerous criminal acts, each with its own victim. If those criminals can be kept off the street, we all will be a lot safer. Recognizing that, the new act enables our Federal Judges, for the first time, to consider danger to the community in setting bail. If a judge concludes that the defendant poses a danger to the community that can't be overcome by improving certain conditions, he can order that the defendant be held in jail in pre-trial detention.

The act also provides for revocation of bail and makes it easier to hold someone in jail after they have been convicted, but while they are appealing that conviction, when there is a danger to the community.

Perhaps the most important change will take place in 1986 when the sentencing system will change under the act. Parole will be abolished and all sentences will be for a specific determinate time. Guidelines will be established and judges will be required to explain any deviations. The government will have the right to appeal what it concludes is an improper sentence.

Other provisions include a mandatory penalty for the use of guns during a federal crime of violence, the use of injunctions against mail and wire fraud, and enhanced penalties for armed career criminals.

The act contained provisions for Victim Compensation and Assistance. Most important are the grants of money to state victim compensation and assistance programs and provisions for aid to the victims of federal crimes. These monies are funded by court imposed assessments made on defendants at the time of sentencing.

The various agencies funded under the act are already engaged in efforts directed at the problems of victims: training, drafting model legislation, providing a national information clearinghouse, research on family violence and crime prevention.

Part of the harm created by a criminal act is the fear of its repetition. Under the sponsorship of the National Institute of Justice, experiments were conducted, including one in Newark, on fear and its effects. Early results support the conclusion that circulating information about crime acts will make the community more cautious without incresing anxiety.

The National Citizens' Crime Prevention Campaign featuring McGruff, the dog, and the "Take A Bite Out of Crime" slogan supports block watches, citizens patrols, escorts and other precautions. A series of booklets are also published.

Combating violent crime is, normally, a function of state and local law enforcement. Federal grant and research programs are one way we, at the federal level, can help. To the extent that federal criminal defendants either participate in or cause violent crimes, federal law enforcement efforts also help reduce violent crime. The changes in our bail and sentencing laws, discussed above, will help indirectly. Perhaps of greater significance, however, is the federal effort to control drugs.

All too frequently, our elderly are victims of attempts by drug addicts to get the money to support their habit. Limitation of manpower requires that all federal efforts focus on the detection and arrest of the major importers and distributors who have turned New Jersey into a major narcotics staging area for the rest of the Country. The U.S. Attorney's Office in New Jersey has prosecuted twice the number of drug cases as the federal offices in Manhattan and Brooklyn who have more manpower.

In addition to limiting our ability to prosecute drug cases of lesser impact, our shortage of resources requires us to limit our efforts in other areas such as postal thefts and stolen government checks that more directly affect Senior Citizens. We are hopeful that our requests for more manpower, both in the war on drugs and in our general efforts, will be approved by the Department. The three new federal judges will also help, provided our office gets a corresponding increase in staff.

While my colleagues in state law enforcement would be reluctant to acknowledge it, the reality in our more populous counties is that the system is so overloaded with major violent crimes, that many lesser cases go unprosecuted or are resolved by plea bargains that put defendants back on the street that should not be there. Our jails are overcrowded. There are not enough judges. Prosecutors are overworked. Police are understaffed. All this acts to make life in our urban areas, where most of our elderly live, unattractive.

If life in our cities is to become pleasant for the senior citizens who live there, then a major initiative must be undertaken to substantially increase the capacity of law enforcement at that level.

We offer our assistance to this committee and Congress in whatever way possible.

Thank you.

Mr. RINALDO. We are going to defer questions until all four witnesses have completed their testimony. Thank you very much, Mr. Greelish.

At this time, I will call on Attorney General Irwin Kimmelman.

STATEMENT OF HON. IRWIN I. KIMMELMAN

Mr. KIMMELMAN. Mr. Chairman, members of the Select Committee on Aging, I appreciate the opportunity to be here this morning and, of course, am grateful for your invitation for me to address the issue of violent crime against New Jersey's elderly.

At the State level, New Jersey—which is one of the States in the Nation that has a high percentage of senior citizens—continues to play a leading role in deterring violent crime against our older citizens and in assisting victims of crime. Much more needs to be done and can be done.

We can help the elderly by increasing our efforts to reduce the general rate of crime; by providing reasons for would-be criminals not to behave violently; by supplying prompt and effective financial assistance to victims of crime; and by easing the burdens for victims and witnesses who help the criminal justice system to function. Hopefully, our efforts will improve the circumstances of all potential and actual crime victims, but will have a particularly beneficial impact on vulnerable victim groups, such as the elderly.

In increasing numbers, especially in our State, many elderly persons continue to remain productive members of society. But they are, as indicated this morning, particularly susceptible to crimes which can upset the delicate physical and financial balances in their lives.

Efforts to reduce general crime rates are meeting with notable success in our State, as statistics to be supplied by state Police Superintendent Pagano indicate. Recently, statutes were amended to mandate a presumption of consecutive sentences for crimes committed by an offender while on parole or released on bail. Victims injured as a result of first- or second-degree crimes must also be notified of the opportunity to provide statements or testimony to the Parole Board without having to confront the offender.

Meanwhile, thousands of new bedspaces have been added to State prison capacity in order to respond to stiffer sentences under the Code of Criminal Justice, which became effective in this State in 1979. Thousands more are on the way. We have under construction in Newark a new prison. A new prison in Camden is under construction. And the Governor has proposed a $60 million appropriation in the current budget message to fund the construction of an additional prison.

Our policy is that no violent criminal will be turned loose on our citizens because of lack of prison space. These violent criminals will be pursued by more police in high crime areas, thanks to Governor Kean's and the legislature's funding of New Jersey's Safe and Clean Neighborhoods Program.

The current budget message of the Governor last week called for 1,000 new parole men at the municipal level in this State. The Governor has also called for passage of an amendment to the State constitution which would permit the denial of bail to a defendant

who poses a danger to society. He also supports an amendment to the New Jersey constitution to provide for a "good faith" exception to the exclusionary rule of evidence, which now limits evidence to contraband obtained in technical violations in reasonable searches and seizures.

In addition to these efforts to isolate the worst offenders from society, we must reduce the level of violence which criminals are willing to employ. Criminals know that if they use a gun in New Jersey, they will go to jail. We are publicizing this fact through our commission to deter criminal activity.

In addition, the sentencing court must consider whether the defendant knew or should have known that the victim was vulnerable due to advanced age, disability or other reasons. Under our law, this is an "aggravating circumstance" which the court must consider in determining an appropriate sentence.

Moreover, a bill is now pending in the State legislature that would provide that a person is guilty of aggravated assault if he commits a simple assault upon a person over 60 years of age. These measures tell criminals that we will not tolerate the senseless violence which accompanies demands that our frail citizens part with their property.

Reducing crime and violence, however, is only part of the solution to the problem of violent crime against the elderly. We must also ensure that victims are compensated for physical injuries and that the criminal justice system eases their burden as potential witnesses against the accused.

Regarding compensation, police now have a card—which I notice was given out this morning—which card is to inform the victim of his rights to assistance from the Violent Crimes Compensation Board. The Miranda warnings to the accused are thus joined with a visible demonstration of concern for the victim's rights. These victims' rights provide that medical costs and wage losses are reimbursable up to $25,000.

Those 60 years of age or older need not pay the program's $100 deductible amount. If the victim dies, funeral expenses up to $2,000 may be paid to survivors. Approximately 11 percent of our Violent Crimes Compensation Board claims are made on behalf of senior citizens. Although by law VCCB must make a determination regarding an application within 6 months of its receipt, the board has now a staff member assigned to further expedite claims by older victims.

There are also special senior citizens public awareness programs to readily make VCCB brochures and application forms available to the elderly. A free counseling service is also provided to victims. In addition, a 1983 law—a so-called Son of Sam law—prohibits a convicted criminal from making any profit from the sale of the story of his crime. Any proceeds must be turned over to the VCCB and be made available to compensate for any damages owed the victim or his representatives.

Regarding aid to victims and witnesses involved in the criminal justice process, significant reforms have been enacted, and more are on the way. The Victim/Witness Coordination Program in the Division of Criminal Justice provides technical assistance and training to county prosecutors' victim/witness assistance units, pre-

pares program guides and distributes a pamphlet to help victims and witnesses.

A victim's confidential communications with a sexual assault counselor were added in 1983 to the list of privileged communications, including those with psychologists, physicians, and clergy, that may not be revealed in court proceedings without the victim's consent.

Governor Kean has supported a package of bills that would constitute a comprehensive crime victims' bill of rights. This package would mandate that crime victims and witnesses be notified of all court proceedings in which they are involved, that they be free from intimidation and unnecessary confrontations with defendants, and that they be advised of the case's disposition. It would also require that the court impose restitution to any victim who has suffered a loss and would allow attachment of inmate earnings in the prison work program.

Furthermore, it would permit victims to file statements with judges prior to sentencing in both adult and juvenile cases. Finally, this new package of bills constituting our comprehensive victims' bill of rights would increase the penalties currently paid to the VCCB and would use the funds to support a new fund for assistance to victims.

Another package of bills now in the legislature would help elder citizens to cope with the trial itself. One bill would permit court proceedings to be held in nursing homes or institutions in certain cases. Another would give court calendar preference to cases involving senior citizens. A third bill would allow videotaped testimony to be used in certain criminal proceedings involving senior citizens.

We are reviewing model State legislation prepared by the National Association of Attorneys General Crime Victims Task Force, which has been assisting the Justice Department in implementing certain recommendations of the President's Task Force on Victims of Crime. Of particular interest is a provision that would prevent unnecessary disclosure to the defense or general public of addresses and telephone numbers of victims and witnesses.

Congress can continue to assist the States with this fight, for it truly involves a battle to reclaim our streets. Your funding of worthwhile experiments and programs helps give us the creative edge in this struggle. It gives no comfort to know that elder citizens' victimization rates appear no higher than rates for the general population.

When we consider that older citizens are mature and careful, we realize that they stay indoors to avoid the crime around them. Thus, imprisoned to some extent by their own caution, they remain unreported victims of the cold climate of fear. In New Jersey, we are doing our best to keep the maximum pressure on criminals so that we can alleviate some of this fear that our senior citizens have in order that they continue to be made a welcome, pleasurable and vital segment of our society.

Thank you very much.

Mr. RINALDO. Thank you, Attorney General.

Colonel Pagano.

STATEMENT OF COL. CLINTON L. PAGANO

Mr. PAGANO. Thank you, Congressman Rinaldo.

I believe I will take advantage of your offer to paraphrase the statement I have already presented in writing.

I welcome this committee appearing in New Jersey. I think the Attorney General has pretty much put into perspective some of the things the Governor spoke about in his message, both the State of the State message and the budget message last week, when he said in effect that although New Jersey is a great place to live, and although we have a number of economic plusses in the recent past, nonetheless we are going to have to keep the heat on criminal activity to be absolutely sure that people understand in New Jersey that if they commit a crime they are going to do the time, I think, in street parlance.

The bottom line is, from what we have heard this morning, there is a problem. When we look at the criminal activity we see on our streets, the victim in one case being a person who in other circumstances is able to recover better, or able to really fight back—as opposed to the victim who is an elderly victim who can neither fight back nor can they for the future recover the way some of the younger members of our population can—I think it is really an issue that has to be examined regularly and has got to be put into sync with what we have been doing in New Jersey and what we may even plan to do again in the future.

You have heard reference to the New Jersey statistics, and, in truth, statistics are almost in a sense that which is beholden to the viewer. Were we to look back some 4 or 5 years during the LEAA days, we would find there were a number of victimization studies that showed that the elderly were decidedly overvictimized. When we look at our current statistics here, it is somehow difficult to cull out those members of our society who are in fact the elderly types, and then collate the differences.

The bottom line, though, I think what you look to is persons such as the attorney general, myself, Ed Tucker, Tom Greelish, to give you a feeling for what these statistics really mean. What they mean is what has been stated here this morning—that the elderly are just as much victimized as any other segment of society; but in terms of how our statistics and how our experiences are perceived, the elderly are without question more of a victim than any other segment of our society.

We know that in New Jersey because of the programs the Attorney General has illustrated and gone into depth on. In 1983, we saw an overall downturn by 9 percent of all categories of criminal activity. In 1984, for the first 6 months—and that is all we have by way of available statistics right now—we see a continuation of this downturn. We see an 8-percent downturn for the first 6 months of 1984. That is encouraging. That shows to me as an administrator that the program really is working.

This is a tough State to commit a crime in, but I think that when you look at the analysis of the statistics, and when you look to persons such as myself, when you look to the disagreements, you have got to finally conclude that the steps that we have taken have been meaningful steps.

There are people who look at crime and crime statistics that will tell you that the reason for the decrease in criminal activity is essentially because there is a decrease in youthful population, and it is essentially that youthful population—the drug offenders that you have heard referred to—who are the most apt to create problems on our streets; and then, because of that downturn in our youthful population, you have a downturn in criminal statistic reporting.

I don't believe that is true. I believe it is the kinds of programs we have seen begun at the Federal level, filtered down to the State level, and ultimately down to the county and local level, that have made the difference.

I think some of the things the Attorney General looked to, quickly, are: the development of a commission to deter criminal activity, which essentially is a 21-member commission headed by the Attorney General, is going to show even more meaningful downturns in this kind of activity because in fact what this commission is intended to do is to develop new strategies to let the criminal know that he is going to have problems in this State, and alternatively let the citizen know that he need not hide behind doors in fear that they can't come back on the streets that rightfully belong to them.

The Attorney General referred briefly to the development of funding in New Jersey of a resource center for crime prevention. Dave Green of the Crime Prevention Officers Association is here today, and I am sure will elaborate on that.

But training really in the law enforcement area is the key to seeing the kinds of statistics we have seen continue downward, training local officers. And we have been doing that in New Jersey for some period of time. We have not yet determined how we are going to apply the limited funding that has been made available to us in the crime prevention area, but we are certainly going to develop a resource center that over the long haul is going to see that the continuation in the downturn of statistics is going to continue.

I really take pleasure in coming here this morning because, if nothing else, this committee is going to give at least this assembled group of senior citizens here today an understanding that we have been doing things that are meaningful to them. And this committee will make it clear, through the media representation here today, to other senior citizens, that New Jersey is a good place in which to live. It is an area in which we do care for those people in our society who are victimized beyond where they should be.

I think the overall plus being generated here today is something we can all look to with a great deal of pride.

I am available to answer any particular questions you may have about the statistical reports I made available and the other report I made available to the committee today.

[The prepared statement of Mr. Pagano follows:]

PREPARED STATEMENT OF COL. CLINTON L. PAGANO, SR., SUPERINTENDENT, NEW JERSEY STATE POLICE

Good morning. My purpose in being here this morning is to discuss violent crime and to say that together we can make New Jersey safer for all its citizens.

I hope that you had the opportunity a few weeks ago to listen to Governor Kean's Annual Message to the New Jersey State Legislature. He began that address by saying that New Jersey stands as strong today as it has been at anytime during its

proud history and stated that "there is an unmistakable sense of pride that is alive and growing in the Garden State." We in law enforcement share in that pride and join with the Governor when he says that after three years of our concerted effort to fight crime in New Jersey, the message is clearly out—it will not be tolerated in this State. Crime rates are down sharply. In the full year of 1983, crime dropped nine percent, the largest decline ever recorded under the Uniform Crime Reporting Index. In the first six months of 1984, crime dropped another eight percent, marking the fourth consecutive year in which the crime rate has been declined. Time does not permit me to go into detail but please take a copy of the October 1984 New Jersey Uniform Crime Report which provides a recent analysis of crime trends.

The fact is that criminals are going to jail in this State. One in every ten New Jersey prison inmates is doing time because of enactment of a tough anti-crime law passed in 1981 that impose a mandatory three year term on any criminal who uses a gun while committing a crime.

There is much disagreement among the experts as to why crime is decreasing. There are those who feel that we have seen a decrease in the crime rate because of the decrease in the youth population. Others feel that the most effective deterrent to crime is to increase the probability of getting caught. They claim that better law enforcement training and procedures have increased the probability of getting caught and, therefore, there has been a reduction in crime.

What we're sure of is that there is a continuing decrease in crime and criminals know that if they commit a crime with a gun and get caught, they are going to do some hard time without any chance for parole. It took a while for the word to get out there. But now that it is, I think we're seeing the results in the form of fewer crimes involving guns being reported.

It has been said that the mere fact that these people are behind bars and not in the streets committing more crimes shows that the tough anti-crime law is working.

In order to make it work even better we must work together.

The criminal justice system depends on citizen participation. Most crimes do not come directly to the attention of the police; but are reported by the citizens. Active cooperation of citizen witnesses and jurors is essential to the justice process.

The best trained and equipped police forces will flounder in the battle against crime if the citizens they serve fail to take basic precautions to protect themselves and reduce criminal opportunities.

Many of the elderly respond to crime by retreating behind doors, locks, alarms, and guards. This behavior is a response to the fear of crime but is also just another form of victimization. Although these safety measures offer self protection they also lessen the affect of mutual assistance and neighborliness. Law Enforcement Assistance Administration (L.E.A.A.) surveys have revealed that only one-third of crimes against the elderly are reported to police. A survey conducted by our Uniform Crime Reporting Unit revealed that the elderly comprise about 15 percent of our total population yet are victims of violent crimes approximately 20 percent of the time. Citizens banding together to report crimes in progress or suspicious activities in their neighborhoods can make houses, apartments, streets, and parks less vulnerable to crime. The reward of mutual care and assistance will be an increased sense of security and well-being.

Victim awareness is critical to combatting crime and toward that goal the legislature has provided seed money for a crime prevention resource center at the New Jersey State Police Academy in Sea Girt. The State Police Training Bureau is now working with other law enforcement groups and State agencies to determine how the resource center can maximize its effectiveness.

You just heard me use the word deterrence. You will see in the near future the activities of the Commission to Deter Criminal Activity. This 21 member commission is in the final stages of developing a Master Action Plan which is designed to inform the general public in New Jersey regarding the State's criminal statutes and the consequences of committing criminal acts in our State.

Finally, in all I have said I am not advocating the new wave of vigilantism, rather a community effort of self help. For violence breeds violence and those who use physical force as self protection have a greater than 50 percent possibility of being injured themselves. And those who would employ a weapon, which seems very popular right now, increase their chances of being injured by 25 percent.

OCTOBER, 1984

NEW JERSEY UNIFORM CRIME REPORTING
(January-June 1984)

Statistics presented here were gathered under the Uniform Crime Reporting Program of New Jersey and were submitted by the law enforcement agencies of the state. Attempts at comparison of resulting crime figures should not be made without first considering the individual crime factors which exist in each county.

The New Jersey Crime Index decreased 8 percent during the first six months of 1984, as compared to the same period in 1983. This is the third consecutive year a decrease occurred during this period.

Identical decreases of 8 percent are indicated in the Violent Crime and Nonviolent Crime categories. Violent Crime includes the offenses of Murder, Rape, Robbery, and Aggravated Assault, and Nonviolent Crime includes Burglary, Larceny-Theft, and Motor Vehicle Theft.

As in the previously reported six month period, the only Index offense that increased was Rape, and that by 2 percent. The largest decrease, 16 percent, was indicated in the Nonviolent Burglary category, followed by the Violent Crime of Robbery, down 14 percent. Arson, which is not included in the Index totals, reflected a 23 percent decrease.

STATE OF NEW JERSEY
CRIME INDEX TRENDS
January - June Percent Change 1984 over 1983

**Offenses known to police:*

Index Offenses	Jan – June 1983	Jan – June 1984	Percent Change
Murder	193	185	– 4
Rape	1,113	1,134	+ 2
Robbery	10,240	8,845	– 14
Aggravated Assault	9,055	8,873	– 2
Burglary	45,349	38,287	– 16
Larceny-Theft	98,099	92,903	– 5
Motor Vehicle Theft	21,830	20,905	– 4
Total Crime Index	**185,879**	**171,132**	**– 8**
Violent Crime	**20,601**	**19,037**	**– 8**
Nonviolent Crime	**165,278**	**152,095**	**– 8**
Arson	**1,805**	**1,382**	– 23

Issued by the:
Uniform Crime Reporting Unit
New Jersey State Police
Colonel C.L. Pagano
Superintendent

In Conjunction with the:
Advisory Committee on Uniform Crime Reporting, New Jersey State Chiefs of Police Association

** All 1984 crime figures from reporting units are preliminary. Final figures are published in the Annual Report*

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ADDITIONAL ANALYSIS
Robbery - Burglary - Larceny
January - June, 1983 - 1984

OFFENSES	Jan-June 1983	Jan-June 1984	Percent Change
ROBBERY			
Highway	7,562	6,567	- 13
Commercial House	657	477	- 27
Gas, Service Station	276	300	+ 9
Convenience Store	217	248	+ 14
Residence	887	761	- 14
Bank	86	50	- 42
Miscellaneous	555	442	- 20
Total Robbery Offenses	**10,240**	**8,845**	**- 14**
BURGLARY			
Residence (Total)	**29,588**	**25,713**	**- 13**
Night	10,552	8,880	- 16
Day	12,526	11,110	- 11
Unknown	6,510	5,723	- 12
Nonresidence (Total)	**15,761**	**12,574**	**- 20**
Night	10,488	8,031	- 23
Day	1,783	1,542	- 14
Unknown	3,490	3,001	- 14
Total Burglary Offenses	**45,349**	**38,287**	**- 16**
LARCENY			
Pocket-Picking	2,211	1,852	- 16
Purse-Snatching	2,550	2,033	- 20
Shoplifting	12,352	11,079	- 10
From Motor Vehicles	17,384	16,838	- 3
Motor Vehicle Parts & Accessories	18,842	17,634	- 6
Bicycles	7,648	6,713	- 12
From Buildings	19,503	19,347	- 1
From Coin Operated Machines	579	500	- 14
All Other	17,030	16,907	- 1
Total Larceny Offenses	**98,099**	**92,903**	**- 5**

TOTAL ARRESTS BY OFFENSE
January - June, 1984

OFFENSES	Adult Arrests	Juvenile Arrests	Total Arrests
Murder	133	14	147
Rape	495	100	595
Robbery	1,742	1,533	3,275
Aggravated Assault	4,061	1,320	5,381
Burglary	3,239	2,945	6,184
Larceny-Theft	13,136	7,350	20,486
Motor Vehicle Theft	609	574	1,183
Subtotal Index Offenses	**23,415**	**13,836**	**37,251**
Manslaughter	16	--	16
Other Assaults	11,284	4,582	15,866
Arson	210	188	398
Forgery and Counterfeiting	644	35	679
Fraud	3,719	94	3,813
Embezzlement	60	4	64
Stolen Property; Buying, Receiving, Possessing, etc.	2,965	1,383	4,348
Criminal/Malicious Mischief	2,504	4,267	6,771
Weapons; Carrying, Possessing, etc.	3,047	1,213	4,260
Prostitution and Commercialized Vice	862	29	891
Sex Offenses (Except Rape and Prostitution)	862	316	1,178
Drug Abuse Violations	16,450	3,099	19,549
Gambling	189	4	193
Offenses Against Family and Children	2,944	14	2,958
Driving Under the Influence	17,940	186	18,126
Liquor Laws	3,891	2,280	6,171
Disorderly Conduct	12,979	5,540	18,519
Vagrancy	238	14	252
All Other Offenses (Except Traffic)	22,759	7,194	29,953
Curfew & Loitering Law Violations	--	815	815
Runaways	--	3,076	3,076
GRAND TOTAL	**126,978**	**48,169**	**175,147**

URBAN – SUBURBAN – RURAL CRIMES
CRIME INDEX TRENDS – PERCENT CHANGE – JANUARY-JUNE 1983/1984

The Crime Index for Urban, Suburban and Rural groups has decreased during the first six months of 1984, when compared to 1983. This is the third consecutive year the first six months Index has shown a decrease in all groups. The most dramatic of these was in the Rural areas, down 12 percent. Decreases of 8 percent were recorded in both the Urban and Suburban areas.

The Violent Crime category presents the only increase recorded in the Rural municipalities, that category is up 1 percent. Decreases of 9 percent and 1 percent were recorded in the Urban and Suburban areas respectively.

Nonviolent Crime decreased in all three areas. The Rural group reflects the most significant decrease of 12 percent, while Urban and Suburban municipalities have decreased 7 and 8 percent respectively.

The individual offenses for each of the three designations are listed below:

CRIME INDEX TRENDS – PERCENT CHANGE
January - June
1983 - 1984

		VIOLENT CRIME					NONVIOLENT CRIME					
CHARACTER	Year	Murder	Rape	Robbery	Aggravated Assault	Violent Crime Total	Burglary	Larceny Theft	Motor Vehicle Theft	Nonviolent Crime Total	Total Crime Index	Percent Change
RBAN	1983	147	823	9,308	6,480	16,758	27,429	53,493	16,050	96,972	113,730	
	1984	140	821	7,893	6,367	15,221	23,181	50,831	15,910	89,922	105,143	- 8
UBURBAN	1983	39	221	793	2,008	3,061	14,246	36,913	5,092	56,251	59,312	
	1984	33	231	810	1,952	3,026	12,043	35,198	4,374	51,615	54,641	- 8
URAL	1983	7	69	139	567	782	3,674	7,693	688	12,055	12,837	
	1984	12	92	142	554	790	3,083	6,874	621	10,558	11,348	- 12

COUNTY CRIME INDEX TRENDS
PERCENT CHANGE
January - June 1983 - 1984

County	Year	VIOLENT CRIME					NONVIOLENT CRIME				Total Crime Index	Percent Change	Arson
		Murder	Rape	Robbery	Aggravated Assault	Violent Crime Total	Burglary	Larceny Theft	Motor Vehicle Theft	Nonviolent Crime Total			
Adams	1983	4	40	243	403	790	2,440	7,570	814	10,830	11,620		98
	1984	10	84	379	543	1,016	1,919	8,338	994	11,251	12,267	10	96
Boyer	1983	6	32	214	544	836	2,049	8,740	1,739	12,424	14,170		55
	1984	7	29	179	383	604	2,940	8,993	1,391	13,233	13,987	2	77
Burlington	1983	2	26	78	244	350	1,859	3,719	495	6,031	6,281		67
	1984	6	31	91	283	391	1,680	3,993	478	6,530	6,912	9	91
Custer	1983	12	67	343	640	1,061	3,939	7,917	2,739	14,235	16,116		212
	1984	10	60	363	774	1,196	3,397	7,738	1,987	13,132	13,917	14	110
Cole Rio	1983	4	12	37	72	125	953	1,539	91	2,484	2,609		24
	1984		14	33	99	93	798	1,671	93	2,562	2,375	9	15
Cumberland	1983	2	20	73	173	219	1,075	2,191	220	3,438	3,710		45
	1984		31	58	233	332	993	2,384	171	3,510	3,874	4	39
Dane	1983	71	385	2,061	2,575	6,092	7,058	11,002	4,884	24,242	31,134		506
	1984	91	360	2,142	2,004	6,797	8,191	11,148	5,013	23,012	29,489	5	310
Dodge	1983	2	17	72	139	230	1,105	2,003	591	3,999	4,109		67
	1984	2	27	84	184	297	837	2,329	914	3,977	3,824	7	38
Dunn	1983	25	124	1,361	869	2,389	4,787	7,667	3,400	15,734	18,123		64
	1984	23	105	1,186	811	2,206	3,874	6,662	3,166	13,698	16,104	11	69
Eau Claire	1983		2	3	30	41	243	477	42	762	804		10
	1984	2	2	4	33	41	198	467	44	864	905	13	7
Florence	1983	13	63	537	272	885	2,373	5,149	999	8,580	8,675		46
	1984	8	51	438	370	863	1,866	5,119	833	7,938	8,341	7	42
Fond du Lac	1983	5	42	243	456	746	2,819	8,939	1,141	10,899	11,645		61
	1984	4	57	226	469	756	2,278	8,917	1,159	10,354	10,782	8	84
Forest	1983	10	61	244	667	979	2,585	6,558	583	9,626	10,605		104
	1984	12	70	209	663	953	3,223	6,240	429	9,892	9,778	8	111
Grant	1983	4	18	89	237	327	1,530	4,581	402	6,443	6,770		63
	1984	6	24	94	237	360	1,362	4,134	371	5,867	6,227	8	37
Green	1983	7	43	95	272	416	2,230	5,023	389	7,642	8,014		75
	1984	7	48	113	238	386	1,777	4,814	356	6,748	7,145	12	84
Green Lake	1983	15	34	1,000	573	1,721	2,525	8,124	2,244	10,888	12,609		82
	1984	9	33	756	561	1,357	2,017	8,590	1,791	8,866	11,225	11	80
Iowa	1983	1	8	29	94	93	383	642	56	1,083	1,153		13
	1984	1	15	25	48	88	295	673	56	976	1,062	8	13
Iron	1983	1	13	61	102	187	758	2,298	200	3,230	3,408		16
	1984	3	7	54	88	152	699	2,073	178	2,940	3,098	9	21
Jackson	1983		12	8	55	73	474	896	84	1,504	1,577		8
	1984	1	4	9	51	84	288	1,027	85	1,400	1,472	7	12
Jefferson	1983	9	62	179	666	1,515	2,941	5,922	1,268	10,131	11,646		61
	1984	6	39	150	429	1,229	2,234	5,746	1,023	10,003	11,234	4	60
Juneau	1983		6	10	58	74	566	891	58	1,113	1,187		10
	1984		7	12	52	71	345	635	41	909	977	18	14

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Mr. RINALDO. Thank you very much for some interesting testimony and the statistics that you have provided.

Prosecutor Tucker.

STATEMENT OF EDMUND J. TUCKER

Mr. TUCKER. Mr. Chairman, members of the committee, and fellow citizens: I appreciate the opportunity to appear before you today on the serious question of what can be done and what our experience has been in dealing with the problem of crime against the elderly.

In this regard, I would like to take the opportunity to share with you the thoughts and comments of Prosecutor Stamler, who was unable to attend today because of a previous commitment.

Let me begin by saying that in October 1984, three outrageously violent attacks took place in our county which for the first time really brought home the extent of the problem of crime against senior citizens.

In Plainfield, an older couple had their home broken into and they were then robbed and brutally beaten by two teenagers, the oldest of whom was 17.

Today, you heard from a 74-year-old plumber who was savagely struck on the head with an iron pipe as he entered his car, but the robbers—in their late twenties—were scared off by the plumber's screams for help and the appearance of a retired police officer.

You heard from a 69-year-old widow who was mugged by a lone male as she entered her Springfield home.

The widow and the plumber are here to share their experiences with you. The Plainfield couple were afraid to come here today and share their experiences with you. What made these crimes even more tragic was that in each case the victim was at least 50 years older than the criminal.

The persons who committed these acts are depraved animals, cowards, who have forfeited their right to live in a free society. At the very least, they should be in custody instead of free. In Union County, we have dozens of other examples of crime against the elderly we could give to this committee. However, we feel that these three set the keynote for what the problem is.

Any burglary, robbery or assault is a vicious act, showing no regard for our law, our society, or the basic human rights of the victims. But to commit those crimes with full knowledge that the victims are elderly, usually alone, and less able to protect their persons or property, is an act as despicable as any we know. Though the crime statistics may indicate that overall crime is down, the senior citizens in our county find little relief in that because, as you heard from Mr. Delnero and Mrs. Zidonik, they fear for their safety when they go out or come home at night.

There is another, more disturbing, result of violent crimes committed against the elderly. Though the number of requests for assistance by our Victim/Witness Assistance Program has increased each year, the number of requests by senior citizens has decreased. The elderly victim of a crime retreats further and further away from society and social contacts, withdrawing into a very confined, what is perceived by them to be a safe existence: going to church,

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shopping by day, visiting a neighbor close by, but also rarely going out after dark, not getting off a bus alone, avoiding friends or relatives who live a distance away, shopping only in safe stores in safe neighborhoods.

The tragedy is that these senior citizens, who have been productive, law-abiding members of society, are now in their declining years deprived of the opportunity to fully enjoy life. If that is the result of violent crime against the elderly, then society has failed to meet its obligation to this group of citizens who are, for the first time, asking something of the society which these senior citizens played such an important part in building.

The criminal who waits in the dark until an elderly person opens a front door and then pushes the victim inside, slamming the door shut, with the lights off, has a relatively helpless, defenseless victim. This is quite unlike the situation faced by the robber holding up a 19-year-old clerk in a food store: Will the young man lunge for the robber's weapon? Will he attack or chase the robber? The response of the victim here is unpredictable. The response of the elderly victim—cowering in fear, begging not to be hurt—is predictable. The defendant's act is that much more vicious, evil and sadistic because of that.

That is why the Union County prosecutor's office now has a strict policy that any defendant who commits a crime of violence—a robbery, assault, or burglary—against a senior citizen, will be prosecuted to the fullest extent of the law. If the offender is a juvenile, we will move to have him or her treated as an adult. And we will appear at every sentencing to urge the court to impose the maximum custodial sentence allowed by law.

We began our no plea policy last year, and we are just starting to get results. The Union County Council of Senior Citizens has backed our effort, and the County's Division on Aging has begun a county-wide program for crime prevention for the elderly in a joint cooperative effort.

In one of the first cases prosecuted under our no plea policy, a 34-year-old Brooklyn man was found guilty by a jury of beating and robbing a bedridden senior citizen inside his Union Township home. Assistant Union County Prosecutor Robert P. O'Leary, in accordance with the new policy, appeared at the time of sentencing to ask for the maximum custodial sentence for the defendant. The sentence imposed by the court was a 15-year prison term with a parole disqualifier, noting New Jersey's sentencing provisions require consideration of whether or not the victim was partially incapable of resisting the offender because of advanced age or illness.

In this case, the victim was 68 years of age and suffering from severe emphysema when he was attacked inside his apartment last year, struck in the face and robbed of more than $1,000 in jewelry and other valuables. Because of his illness, the Prosecutor's Office, with permission of the court, videotaped his testimony in Overlook Hospital and successfully argued that the tape be shown to the jury during the trial.

We are also asking our senior citizens to help the police by calling whenever they see someone or something suspicious. Neither the police, nor the prosecutors, can do the job alone. We need the help of the senior citizens, block watchers, crime stoppers, to give

us the information with which to start a plan of action that hopefully can result in a successful prosecution of crimes against the elderly.

Thank you, Mr. Chairman.

Mr. RINALDO. Thank you very much, Prosecutor Tucker.

Before I ask a question, I want to commend the Union County Prosecutor's Office for the policy that was just enunciated. I think it is particularly important in this county. I think it is something the people are looking for, and that is prosecution to the full extent of the law.

I also want to commend the State and Federal representatives for what they are doing here, particularly the new legislation that is being sought at the State level.

But I think, and I would hope you would all agree with me, that much more needs to be done. When we take a look at some of the National and State figures, I have noticed, for example, there was a decrease from 1982 to 1983; and in some cases 1983 to 1984. But on a municipal basis, there is an increase in street crime.

We listened to testimony about the adverse effect increased narcotics use is having in the area. The street crime we have is too much, so it indicates to me far more has to be done.

What I would like to know is what recommendations—either or any of you can answer this—you have for changes in Federal law to combat street crime, and in particular street crime against the elderly. I think we can't be satisfied, as representatives of the people, until everyone in this room, everyone in this State, can walk out on the street without any fear whatsoever. That is what we have got to achieve.

Who wants to start?

Mr. PAGANO. I think the one thing that I would suggest is that we all look very closely at what the administration is going to do with Congressman Hughes' legislation, our crime legislation. I think that when you speak in terms of what are we going to do at the Federal level, I don't expect we will ever see the reinstitution of the programs, so to speak, many of which were giveaway programs during the LEAA days. But the anticrime package that Mr. Hughes has been pushing for some time has got to be enacted.

If I remember correctly, we are still not home free on it.

Mr. RINALDO. Anyone else like to comment?

Mr. GREELISH. I think there are two areas that I touched, and I talked on one of them. There is, I think, a positive correlation, unfortunately, between street crime and drug use. The extent to which—and I have alluded to it—that Congress provides resources to combat narcotics problems, advising people not only from a law enforcement standpoint but from a societal standpoint, the dangers, the young people of America today use these drugs because they find them to be chic.

Cocaine has become the narcotic of the affluent middle class and upper middle class. There needs to be, I suggest to the committee, an effort to educate the public as to the dangers to the community. Somebody is bringing these narcotics into the country because there are people here who want to buy them. That is one problem.

The other problem was alluded to by members, I think, of the audience in some of their comments. That is the societal one. I think

Mrs. Zidonik raised it. By and large, most of the people who perpetrate crime on our elderly are young people.

They are dissatisfied people. They are people who have no hope, in large measure because they have limited education, limited prospects. And so they succumb to the peer group of the thugs and the hoods that hang out and commit these crimes. The extent to which Congress can focus on those problems I think will indirectly alleviate some of the problems of our senior citizens.

Mr. RINALDO. You mentioned, Mr. Kimmelman, that Congress can help in this fight by funding worthwhile experiments and programs. In your response, I would like you to focus, if you would, on which specific programs should be funded and which experiments you think we should carry out.

Mr. KIMMELMAN. Congressman, of particular importance is the victim witness assistance initiatives. As Assistant Prosecutor Tucker indicated, we can't do the job alone. We need the victims and the witnesses, unfortunately for them, but we need them to help us, to report the crime, to participate in the grand jury process and to participate in the trial process. Because without their help and without their testimony we can't apprehend and finally put away the criminal. And that is what is going to help solve this problem.

The criminal and the would-be criminal have got to know, they have got to understand, that justice will be swift and sure. And it comes about by having the cooperation of the victims and the witnesses. It's a bit of a circular problem. It takes time. But once the would-be criminal knows that the public will rally against him and will cooperate with the law enforcement officers, then they are going to start to think twice about commiting that crime. That is where Congress can be of great assistance to the states. And you already are on the right track.

Mr. RINALDO. Anyone else? I don't want to take too much time here but let me add one other question. Do you all feel satisfied that in your respective areas of jurisdiction a high enough percentage of your resources—and I recognize the fact that we never seem to have enough in this type of work—are directed toward irradicating street crime?

And finally, are we doing enough with repeat offenders who are responsible for such a high percentage of street crime? Are we getting these career criminals, if you will, off the streets and into jail, and are they receiving long enough sentences that we are putting them away once and for all, or are the repeat offenders just perpetuating the problem?

Mr. PAGANO. When it comes to statistics, this is the first time in the history of the State we have seen decline in four consecutive years, and it has to be the mandatory sentencing and it has to be the career criminal-type programs that each of the 21 county prosecutors has been working with that's made the difference.

I don't know how Ed Tucker feels about it, but I know Ed's been around almost as long as I have, and that's a long time, I guess, in this operation. But nonetheless, you have seen, Ed, the career criminal programs come about. I think that you can comment on that.

Mr. TUCKER. Well, in answer to your question, Mr. Chairman I can only add that I agree with and I concur with what Colonel

Pagano has just stated, with the inception of our new criminal code in 1979, mandatory sentence provisions, I think the sentencing aspects in our State legislative scheme for crimes is satisfactory. The problem may be the lack of sufficient facilities to keep the people in there long enough and thereby granting parole.

I also want the committee to note that Attorney General Kimmelman has indicated quite correctly, and I agree with that and concur, that the Governor's budget message has indicated that certain measures will be taken to implement the prison situation. Construction has already started, so I think some of these intermediate programs that were allowing earlier than normal releases will be done away with. So I think I have good feelings about that.

Mr. RINALDO. Thank you very much. I think that answers the question.

Congressman Hughes.

Mr. HUGHES. Thank you, Matt.

Thank you very much. The panel has really given us a great deal to take back with us. Let me just, if I might make a couple of statements and let's see if I can invite some comment, because there are a lot of things I would like to say and time just won't permit it.

I think we will have as much crime as we tolerate, number one. Law enforcement basically is labor intensive. That means we need more resources down the line. Much of the crime we know is drug related, as the first assistant has indicated. As much as 60 percent of property crime in particular is drug related. It's higher in some areas of the country. Much of the violence is drug related, such as in my colleague's area of the country.

We know drug offenders generally commit property crime to pay for their habit. We know that a very small percentage of criminals commit an inordinate amount of crime. Professor Ball's study, I think, was the best study—a study of some 462 addicts over a period of 10 years, or 11 years. Over that period of time those 462 people committed almost 500,000 crimes. And that is typical of what is happening in communities.

So, actually, we know that by providing more resources we can do a better job. We know that if we do a better job of targeting habitual offenders we can do a better job. We know that if we do a better job of incarcerating, by being a little more selective, we can do a better job of maximizing our resources.

If we know we have inadequate facilities, as the first assistant prosecutor of Union County just indicated, judges often have very few options. We know that most of the offenders, particularly with violent crime, are between the ages of 13 to 25. We know if we could take them off the street at those ages that they, in time, will graduate into their 26th and 27th birthdays and be out of the crime business and into more productive endeavors.

But judges are faced with the prospect of either taking them out of their homes—putting them into an institution—or leaving them in their homes. As a result, they leave them in their homes. So what initiatives would you suggest that we have not embarked on that can, in fact, implement what would be a good strategy, it seems to me, in focusing on career criminals and other innovative programs? The victim witness program is, once again, reaching out to the community, which is essential.

Building more prisons isn't the answer if we don't turn them into better citizens, and we don't do that. In New Jersey alone, we have as many as 3,000 people that are hardcore addicts that want help, and can't get it, that are walking around waiting in line to get into detox centers because we can't reach them.

So, what do you think we can be doing to take advantage of the myriad of programs that are there that we know work, and where should we be putting our resources? Why don't we start with Mr. Greelish.

Mr. GREELISH. At the Federal level, the nexus with street crime is indirect, as I am sure the panel knows. Muggings, purse snatchings, stabbings, shootings, except in rare, rare, rare instances, are not Federal crimes. There must be an interstate aspect for the Federal law enforcement community to get involved.

Mr. HUGHES. Except in drug-related offenses, and much of it is drug related. The Federal Government has the primary responsibility, which they don't always assume.

Mr. GREELISH. If a drug addict breaks into a home and steals the senior citizen's jewelry, it isn't a Federal crime, it is a State crime. The fact that that merchandise then gets pawned in a local pawnshop is not a Federal crime, it is a State crime. Should that stolen property travel across State lines and be fenced, let's say in Brooklyn or New York, then the Federal Government can get involved.

The importation of drugs has become a multibillion-dollar business. It is sophisticated. There are usages by the criminal element of sophisticated electronic equipment. There has to be, I believe on an international level, efforts made to stem the source of narcotics where they are grown.

Cocaine does not grow in the United States. Heroin is not grown and manufactured in the United States. Marijuana to a certain extent is, but to a large extent still comes in from overseas. Most of the narcotics in this country comes in from abroad. Most of the cocaine comes from Colombia. There need to be efforts made to work out arrangements with foreign governments to interdict that traffic.

On the Federal level that will have an indirect effect on street crime. There are those who say we are having a negative effect because by interdicting the sources of supply what we do is drive up the price, which means that the addict on the street has to commit more crime in order to get the higher price to buy his narcotics. Maybe the answer is to legalize narcotics, I don't know.

Mr. HUGHES. Well, Mr. Greelish, you know I couldn't agree with you more about source countries. But, as you know, in the 1981-82 budget rounds we lost literally dozens of zoned agents in those RIF's and cutbacks. And we are just beginning to come back now.

In areas like Colombia and Bolivia and Peru, which are source countries mostly for cocaine and marijuana, we had so few agents working with those source countries developing intelligence that we were at a major disadvantage. In 1982, in my colleague Mr. Mica's backyard, the Federal Government had a declination policy of marijuana of something like three tons.

If the bust didn't involve three tons of marijuana, we dumped it on the local authorities. And we expect them to prosecute, you know, so I think you are right. I think we have got to put more

pressure on source countries. That means cutting off foreign aid if, in fact, they are not cooperating with us and working as well as we can with host countries in developing good intelligence. But it also means being a better partner at the Federal level with our local counterparts, because much of their problem is drug related.

Mr. GREELISH. I must say, and it is an opportune time to point this out, there is in this State a Law Enforcement Coordinating Committee. That committee functions on a regular basis. There is perhaps no area where it has been more successful than where the cooperation has been better than in the narcotics area.

Colonel Pagano and his people at the State level, the various county prosecutors, even our local police departments, have worked very, very closely with the Drug Enforcement Administration and the FBI. There is, I think—and I perhaps am taking liberties in speaking for the entire law enforcement comunity, but there is a dedication, there is a conviction on the part of those of us who are in the system that this is a heinous, heinous problem, and that we have to work together.

And we do, with unparalleled success. In the last 6 months, in the State of New Jersey, in large measure because of the help of local and State authorities, we have seized the largest amounts of cocaine, heroin and P2P, which is a precursor of speed, in the history of the State. That is a result of cooperation.

Mr. HUGHES. Well, that is encouraging. It maximizes our effort when we are able to work together in a combination like that.

Just one additional statement before I invite the attorney general to comment. The President's budget recommends cuts in many programs, including revenue sharing, which will again impact the local budgets because they will have to make up that money somewhere. In some instances it will come out of law enforcement, I fear. I am happy to report though, that the Justice Assistance Act was funded. That is an important program. It provides incentives for jurisdictions to try new innovative techniques and to try the tested ones that have been found successful in other parts of the country.

Even though the funding level is very modest, under $70 million, it is a start. And all these techniques that I just mentioned are not now implemented around the country. New Jersey, I think, has done a fairly decent job of using habitual offenders and trying to take them off the streets, but there are a lot of jurisdictions that do not utilize that. I asked the two victims we had here today about crime watch. That has been inordinately successful. That really gets people involved in the community. That also works in favor, really, of a whole host of other initiatives that are important, such as the cooperation we have talked about that is needed by victims and witnesses.

Mr. Attorney General, what is your comment as to how we can provide other ties, and what other initiatives do you think we can take to assist not just the elderly, but whenever we deal wth a crime problem in the community.

Mr. KIMMELMAN. Congressman, as already indicated this morning, when our older citizens become victims of crime, it's the State criminal justice system which has jurisdiction to investigate and

prosecute, because as Tom Greelish indicated, in 99 percent of the cases it is not a Federal crime at all, it is a State crime.

That being the case, two things become important: No. 1 is more policeman power at the municipal level. And No. 2, in my estimation, passage of a constitutional amendment which we call preventive detention. That is, denying bail to those arrested for crime because they pose a threat to society or they possess the ability to intimidate or victimize the witnesses against testifying.

Congressman, let me ask you a rhetorical question. How many of our young men and women going through high school aspire to be compliance officers? You can't answer the question?

Mr. HUGHES. About the same number as aspire to be teachers, unfortunately.

Mr. KIMMELMAN. That is right. Not too many, because they can think of more glamorous professions and they can think of professions which are more economically remunerative. But nevertheless, in my time as attorney general, which is now approaching 4 years, I come to see and respect everyone in the professional law enforcement level. It's a thankless task at times.

I don't know how these fellows and women do it, batting themselves up against a brick wall at times, not knowing where they are going, being susceptible to be discouraged, they see no accomplishment. And the salary isn't really all that good. That may be the same with teachers. And if Congress can more effectively channel whatever available resources there are, I think it's got to be to professionalize law enforcement, to make it more attractive, to recognize members of law enforcement who accomplish something, to honor them in public, to show that there is recognition for someone doing a good job on a continual and repeated basis so that other young men and women going through school aspire to this honorable, noble and necessary profession. That is where you have got to put your resources.

Now just one more point. We also need what we call preventive detention. You have it at the Federal level by congressional enactment because the U.S. Constitution doesn't carry with it a guarantee, but the New Jersey Constitution does, except in capital cases. There is a resolution before the legislature right now which would allow the voters to amend the New Jersey Constitution to permit preventive detention. I urge everyone here to contact your legislators to see to it that this concurrent resolution passes both houses and then it goes to the ballot in November to be enacted, voted upon by all of the people in the form of a constitutional referendum. Those are the things I see that are necessary.

Mr. RINALDO. Congressman Smith.

Mr. SMITH. Thank you, Mr. Chairman.

First, I would like to thank the panel of law enforcement experts for their very fine remarks. I think the committee is now much better informed and sensitized to the needs of law enforcement officials like yourselves. I urge you to continue doing those things that you have been working. I do have a few questions.

In your statement, Mr. Greelish, you mentioned the south Florida task force had worked so very well in closing up the borders to importation of cocaine and other hazardous materials. It is my understanding the President initiated some one dozen task forces of

similar nature similarly composed and there is one here in the metropolitan area. I was wondering if you could comment on how effective that has been working in an interagency way in stopping importation of dangerous drugs.

Mr. GREELISH. It has worked very, very well. I was being a little facetious. I am sure as Congressman Mica will tell you, they still have a drug problem in south Florida. But what has happened is it has become economically unattractive because of the presence of law enforcement and the people have come up the coast, as far up as Maine. I had a conversation 1 year ago with the attorney general when we were down in Washington with the U.S. attorney from Maine, Dick Cohen, who reported that the importation of drugs has increased tremendously up there.

It's working. The problem is, as I pointed out earlier, the resources. We have five attorneys. We have 19 people working on narcotics cases. That means in order to do the narcotics cases they have to not do things like mail fraud and stolen merchandise traveling in interstate commerce and the other general crimes areas. We need more help.

Mr. SMITH. What percentage of that slips through the cracks then, mail fraud and other kinds of crimes?

Mr. GREELISH. A good deal of it is referred to the State system. We are fortunate in New Jersey. We have strong law enforcement at the State level, at the county level. But, unfortunately, we wind up bearing the burden of the overflow from us.

It's difficult. To the extent to which we get more resources, we can lessen the burden on them. Postal theft is a Federal crime. That is not a State crime, although I suppose it is a crime, any theft is. But how much resources can you devote to the theft of a $116 check? To the senior citizen to whom that check belongs, that check is crucial. They need that to pay their bills. But the reality is not infrequently that case does not get prosecuted.

Mr. SMITH. How many of the cases involve those under the age of 18, and how does your office deal with that offender, a minor?

Mr. GREELISH. The new Comprehensive Crime Control Act lowers the age rate for dealing with what would otherwise be a minor offender as an adult offender. We don't run into that too often, frankly. As I say, the vast bulk of the work in our office is narcotics, that is, the major importers and suppliers. There they are professionals. They are adults. We have had an instance, one case which is pending so I can't discuss it in great length, where the father was using his daughter and a son in conjunction with a narcotics operation. Those cases have been referred to the State for prosecution and handling by the State.

Mr. SMITH. Mr. Chairman, in looking over the New Jersey crime index just a moment ago, I notice that in all categories of violent crime there has been a decrease except in the area of rape. I think we are all aware there has been a great emphasis placed on encouraging the rape victim to come forward and face the trauma of the trial in order to prosecute and hopefully successfully put that person behind bars.

In looking over Colonel Pagano's statement, he makes this statement which I find very disconcerting:

"Many of the elderly respond to crime by retreating behind doors, locks and guards. This behavior is a response to the fear of crime, but it is also just another form of victimization." Then he goes on. "Law Enforcement Assistance Administration surveys have revealed only one-third of crimes against the elderly are reported to police."

I wonder if the panel might take a shot at touching on why so many senior citizens are reluctant to come forward when their person or property has been violated. It would seem to me they would be the first to call the police in order to get the prosecution underway. Colonel, perhaps you could touch on it.

Mr. PAGANO. I think the Attorney General mentioned the word, the statistics first come in the main from victimization studies done in days gone by, but I think they were valid. But the Attorney General just said retaliation. That in itself is a problem that has got to be recognized. That in itself may be a problem that this committee, by being here today, may in some respects in this area dissuade, because I think the elderly citizen here in Plainfield is well represented today, and, if nothing, they should carry from this hearing room today an understanding people do care and will respond and that there are adequate resources to do something when you have a problem.

Those statistics you quoted I think are as accurate as any statistics compiled anywhere in the Nation today. But the victim, the elderly victim still remains the victim that for a variety of reasons, and probably retaliation being the most recognizable, that elderly victim remains the kind of person who would rather not report if they can help it.

Mr. SMITH. One final question, Mr. Chairman. I think everyone on the panel supported the legislation recently passed that assures that those offenders who commit a felony with a firearm receive a mandatory sentence. New Jersey, as we all know, has had such a statute in effect since 1981. Perhaps the Attorney General or one of you other gentlemen might respond as to how well that has been working as a deterrent.

Mr. KIMMELMAN. Let me say this, Congressman Smith. When Tom Greelish was down in the Attoney General's office—I am still there—he argued before the supreme court the constitutionality of the Graves Act, which I think is what you are talking about, and I think Tom might want to amplify that.

Mr. GREELISH. Thank you. It was my pleasure and privilege to do that. I thank the Attorney General for the opportunity to do that before the supreme court in New Jersey as to the constitutionality of the act. The act, I think from my perspective as, now, a Federal prosecutor—Colonel Pagano can answer this and maybe Ed Tucker—it has worked in getting people off the streets. There are instances where perhaps there is a little glitch in the system and maybe somebody is incarcerated that shouldn't be.

But the vast, vast, vast majority of cases, it has done exactly what it was designed to do and has helped, in my opinion, in reducing the crime rate in New Jersey. Those who use guns when they commit crimes generally don't commit just one crime, they commit several. By getting that individual off the street, you take him out of circulation. Perhaps the colonel can address more the actual day-to-day impact.

Mr. PAGANO. I think that probably the best thought that comes to mind is the kind of thought the local policeman will express, because he does, as do my troopers, firsthand duty with the offenders. And the word is, if you do the crime, you do the time. That is simple language, meaning that the statistics and downturn in statistics really don't stem from the less youthful population.

If you couple the Graves Act in New Jersey with the violent, or with the career criminals emphasis, Career Criminals Program in counties, there is no doubt in my mind at all that the Graves Act is working and there is no doubt in my mind that the Federal act, which is similar, only obviously involving Federal crimes, will work also.

Mr. SMITH. If I may, Mr. Chairman, one final question to Mr. Kimmelman, the attorney general.

You mentioned in your statement, also it is in your written testimony, legislation is before the assembly and State senate that would eliminate simple assault to assault to those victims over 50. Could you provide a little background and perhaps a status report on this legislation for the citizens of New Jersey who are here today.

Mr. KIMMELMAN. It is pending in the senate. It is Senate bill, S. 507. Here again, contact your elected representatives at the State level and see to it that that bill is released from committee. That is where it is.

Mr. SMITH. It is not in the assembly, though?

Mr. KIMMELMAN. It's a Senate bill.

Mr. SMITH. Thank you.

Mr. KIMMELMAN. There is a companion measure in the assembly, that is, Assembly No. 2699, which has the same provisions.

Mr. SMITH. Thank you.

Mr. RINALDO. Congressman Mica.

Mr. MICA. Thank you, Mr. Chairman. I will try to be brief. I know we are pressed for time here.

First, Mr. Greelish, you are correct, we have had tremendous successes with the President's Task Force on Crime in South Florida. And we have had reports, consistent reports that says when we turn the heat on in Miami, they start coming in at North Carolina, South Carolina, Georgia, New Jersey, all the way up the coast and, incidentally, all through the coast of Texas and Louisiana. So I think what it points out is that we can put the pressure on but we are going to have to do it all over our coastline. If you put it in one spot, you just spread the problem around.

I would also indicate that you said rather rhetorically that maybe you don't know whether the answer is to legalize some of these substances or not. I would say absolutely not, from my perspective. I think that wouldn't solve the problem, but it is a tempting solution. I think, just as we are talking about solutions and young people involved in crimes, that maybe we need to focus not only on law enforcement and the tremendous difficulties our people in uniform have, but also on education. Something done in the high schools.

I don't know if a screening process would invoke civil liberties problems. But I know this, that the more attention that is paid in high schools and the more that I have seen of it, and the more aca-

demic involvement, studying the problem, making students aware and going after students who are involved, we have seen some results in some test projects. So I am hopeful they can do more of this.

What I would like to just ask quickly is this: We have heard three cases. What would be the charge in a typical case like Mr. Delnero's?

Mr. GREELISH. First of all, it would be a State charge.

Mr. MICA. What would be the charge?

Mr. PAGANO. Aggravated assault.

Mr. MICA. What would be the maximum penalty if that person were convicted?

Mr. TUCKER. The penalty for aggravated assault would be—it would depend on the circumstances, but it would be——

Mr. MICA. What is the maximum?

Mr. TUCKER. Well, between—whether it was a second- or first-degree crime, based on the attendant circumstances. But the penalty, maximum penalty could be, for second, up to 20 years.

Mr. MICA. Is that the norm, giving the maximum?

Mr. TUCKER. No.

Mr. MICA. What is the norm in this area?

Mr. TUCKER. Well, I am not really familiar with the uniformity of sentences in this area because they range, I would say on a second degree, from between 5 and 10. There are judges who will give the maximum if it is a particularly vile, wanton and heinous type of situation. And there are others who will give somewhere in the medium.

Mr. RINALDO. Will the gentleman yield? Are there also judges who will just give them a slap on the wrist?

Mr. MICA. That's what I was getting at, exactly.

Mr. PAGANO. Let me just bring that a little bit into perspective, though. If Mr. Delnero had been hit alongside the head with a gun instead of an iron pipe, for sure that offender would have to spend at least 3 years in jail in New Jersey, and no judge, no judge could have made a difference.

Mr. RINALDO. That is under the Graves Act?

Mr. PAGANO. Under the Graves Act. I would say when you go beyond that, if you are looking for a scientific, wild guess, you would probably expect somewhere between 5 and 10 years. Now, if that particular period was reduced by a parole situation, again the Graves Act would prevent that parole if it were less than 3 years. So our sentences are not quite as easy as they were to dissuade in years past by judges in New Jersey. Although—and I have to agree—frequently because of volume and other considerations, plea bargaining, or whatever, they are lesser than what the people in this room obviously would like to see them be.

Mr. RINALDO. I want to see if Attorney General Kimmelman agrees with that.

Mr. KIMMELMAN. The probable sentence in the case of an assault like that, hit over the head, would be minimal. I can't tell you the number of years, but it wouldn't go 20, it wouldn't go 10 and it probably wouldn't go 5. It would go less.

Mr. PAGANO. If we say 5 to 10, you are talking about 18 months in jail.

Mr. RINALDO. So you are talking about 18 months in jail in some instances. In other instances, possibly little or no time spent in jail, which doesn't really amount to too much of a deterrent for a repeat offender and he is probably going to be out on the streets performing the same act over and over and over again.

I realize the difficulties each of you have, particularly in the area of law enforcement. I am going to push for additional hearings in Washington. Maybe we ought to get some members of the judiciary there, and maybe we ought to talk to the judges a little bit and find out whether or not they are doing the kind of job you want them to do and whether or not they are doing the kind of job the people of this country want them to do, and whether or not light sentences as the Attorney General referred to them, are not responsible for increasing the workload on you and everyone else and depleting our resources.

Mr. GREELISH. The sentence I just might add, Congressman, the sentence that an individual will get for the type of crime that we heard this morning will vary depending on where in the State of New Jersey the individual is prosecuted.

In our more urban, more populous counties, the judges perhaps have been satiated with violent crime. They see it day after day, hour after hour, case after case. It doesn't have the same impact that it has in our more rural communities. I suspect—and Ed Tucker can confirm this or disagree with me, but I suspect that in our rural counties that the kind of crime that was described would get a much more severe sentence than it would in a more populous county.

Mr. RINALDO. Let me interrupt for a moment now. Attorney General Kimmelman testified—and correct me if I am wrong on this—that two additional facilities are under construction, and there is one more in the budget. That means a total of three more jails. That gives us more room. Now, in the view of each of you, do you feel that if there were more penalties, some more severe penalties, that certainly then we would be able to cut down on the number of repeat offenders? You would to the extent they will be off the street for a longer period of time?

Mr. KIMMELMAN. Yes. There is a simple expression, and we have heard it since we were kids: Crime does not pay. Now, in what respect does it not pay? You are put away and you are put away for a long, meaningful time. We have laws in New Jersey, as you have at the Federal level, which provide for eligibiity for parole. A man does a third of his time and he becomes eligible. And maybe that ought to be looked into as well.

Mr. RINALDO. Maybe we ought to examine more carefully the people who get appointed to some of the parole commissions.

Mr. PAGANO. Well, you might look at that, Congressman.

Mr. SMITH. Will the gentleman yield?

Mr. MICA. Sure.

Mr. SMITH. As if to underscore the prevalence of crime against the elderly, Reggie Harris of channel 4 news, who was here today, just informed me that one of the residents of this facility, this Richmond Towers, has had their automobile stolen from the parking lot while this hearing has been in session.

Mr. MICA. If I may reclaim my time?

Mr. RINALDO. Just a minute. We can't have people from the audience all jumping up. The time is Mr. Mica's.

Mr. MICA. Mr. Chairman, that is the point that I was pursuing, three cases in this audience. Very few people have any confidence at all that anybody is going to be apprehended. If they are, they won't be convicted. And if they are, they will probably be turned loose. Part of the problem we are going to have to do, and we should, is take a look at the judges and judicial system.

In some parts of the country, they are starting to publish in the paper every day the names of the judges and sentences they hand down, and let people know exactly who is really following through. We are going to hear from law enforcement officers later today. I have talked to them in my own community, and let me tell you, they are frustrated. They go out there, put their life on the line. They arrest people and people are back on the streets before they finish the paperwork.

We continue to hear this. I hope maybe if we have accomplished anything here today, we can say that there is a cynicism in America.

Mr. PAGANO. That is why the elderly don't report the crimes, Congressman. Retaliation, cynicism, a lack of confidence in the system.

Mr. MICA. Absolutely. If we don't do something about it, it is going to get worse. I think you know we saw legal scholars who were astounded to see 50 percent of all Americans agreed with Bernard Goetz. Fifty percent. And I am not saying that is the right way. I am not saying that is the right way, but I understand when we hear time after time that they are coming in, and as you said, attorney general, the individual that hit Mr. Delnero over the head probably won't spend 18 months in jail. This is the kind of changes we are going to have to shoot for, and maybe from our perspective with Federal judges and from your perspective with State and local judges.

And I just say, as I said here when I opened this morning, I was outraged by that Boston case. I think we are getting a warning from the American people that if we don't do something, they are going to do something. And we better start taking this message to heart in Washington, and New Jersey and Florida and wherever.

So I again appreciate the focus is here.

Mr. RINALDO. I want to mention two things. No. 1, I know there are a lot of additional questions by the congressmen here. I would request unanimous consent that the current witnesses answer any questions submitted in writing back to the committee for inclusion in the record.

Mr. GREELISH. Sure, be glad to.

Mr. RINALDO. One final question. I think the point that Attorney General Kimmelman made hit home. I want to commend all of you. You are law enforcement officials, and I know the difficult task you have, but you mentioned crime. We have to make sure our system is so established that crime doesn't pay. What percentage of judges or cases or how many cases are handled where there is a mugging or violent street crime where the judge says to the person, the perpetrator of the crime, in addition to the sentence you have to make restitution in one form or another? I don't

care if they have to go out and get a job and pay for that TV set or return it. Do they do that frequently to make it even more difficult or is that something that is very very seldom utilized?

Mr. PAGANO. I think there is a program to provide for that, but in general the kind of people who commit these crimes are the kinds of people who never pay their bills anyhow.

Mr. TUCKER. In Union County, and that is all I can speak of, most frequently, I don't have a percentage, but I would bet it is very high, maybe even 85 or 90, the judges order restitution where you have a victim who has had bills related to the crime.

As Attorney General Kimmelman mentioned earlier, there is proposed legislation in the State to take the payments for that restitution out of an individual's work program in a prison institution because what appears is, it is not that judges do not order the restitution, but the nature of the criminal that you are involved with, it becomes almost impossible to reach assets to repay the victim.

Mr. RINALDO. I want to thank you once again. I think you have been extremely helpful. I think also it was a two-way street here. I think you got some of the reaction of the people here. I might just mention one interesting byproduct. I know everyone cheered when Bernard Goetz' name was mentioned.

I have been in Congress 13 years. We receive about a thousand letters a week on different topics. I can't recall any topic during that period of time in which there wasn't some people who wrote on one side of the issue and others on the other. But from this district all of the mail we have received so far on Goetz' case has been in favor of Goetz. So it shows the kind of sentiment and I think underscores how important it is for us to come up with the right answers so our streets can be properly cleaned up of the criminal element, and people can walk those streets daytime, nighttime, without fear of getting beat over the head. And that is all they want.

Mr. HUGHES. Will the gentleman yield before we excuse the panel? At the risk of being unpopular, let me just suggest to you, I understand, you know, the applause for Bernard Goetz. But I don't think that our streets would be any safer if people started taking the laws into their own hands. The police of this country need community support. They do an excellent job. I think the attorney general's testimony was excellent.

What we need to do is professionalize the police and support them in the communities. We have a number of programs that are working, but they cost money. There is no free lunch. We have to provide the resources to support those programs that do work. That means more resources at every level of government for law enforcement.

Domestic defense as opposed to national defense, domestic defense is every bit as important. Finally, the problem of disparate sentences undermining the criminal justice system has been the case for a number of years, and I really think sentencing guidelines, perhaps, are one of the ways to deal with that, so that much of the disparity can be eliminated.

Another way to do that is to do a little better job of scrutinizing those that are appointed to the judiciary to make sure we are appointing people that are really balanced and can deal with the

problems in a balanced, even-handed fashion. So there are remedies to dealing with all our problems. The answer is not to resort to the law of the jungle.

Mr. RINALDO. I want to thank my colleague for his comments. Also, I want to say to the panel that they should recognize that your ideas, and certainly your recommendations, are something we are going to support. Importantly enough, this committee consists of 65 Members of Congress, many very influential Members from all over the country.

So I think it is important that we not only bring back those recommendations, but from the interest that I have already noted in this hearing from Congressmen from other States, that we have another hearing in Washington so that we can bring in additional people, and hopefully make legislative recommendations that will improve your, or make your job easier and help our police departments do the kind of job that we want them all to be able to do by giving them the necessary resources.

Thank you very very much for your extremely helpful testimony.

On our next panel are representatives of law enforcement groups. I would like to call John Propsner, acting police chief, city of Plainfield, to the witness table and also Detective David Green, president of the New Jersey Crime Prevention Officers Association.

We would appreciate it if there would be no talking and some more order in the hearing room. I would also request that since we are running far over schedule and two of our Congressmen have to get on a plane back to Washington shortly, that you would keep your testimony within 5 minutes.

If you want to, summarize it and we would be very pleased to include all of it for the record. We will begin with Detective Green.

PANEL THREE—LAW ENFORCEMENT: CONSISTING OF DETECTIVE DAVID GREEN, PRESIDENT, NEW JERSEY CRIME PREVENTION OFFICERS ASSOCIATION, INC.; AND JOHN C. PROPSNER, JR., ACTING CHIEF OF POLICE, CITY OF PLAINFIELD, NJ

STATEMENT OF DAVID GREEN

Mr. GREEN. Thank you Congressman. I represent approximately 400 crime prevention officers in the State. Many of us are working with the good people who you made mention of in the crime watch and neighborhood watch groups that you saw on the way in. We have approximately 275 police departments and approximately 50 other businesses who are cooperative in this effort with us.

Because crimes against the elderly have not had the attention recently that, say, crimes against children have had, they are no more less important or certainly out of our attention anymore than the other crimes. Looking at the crimes affecting the elderly, we find that certainly they are less victimized by the most violent type of crimes of rape, robbery, murder, but more victimized by the lesser crimes of burglary, purse-snatching, criminal fraud, strong armed robbery on a 1-to-1 basis without the use of weapons, and thefts of checks from mail boxes.

Where the violent crimes have occurred, we find that they are primarily because the lesser crimes are being committed, and then they escalated. So that due to the victim and the type of crime, the

resistance, age, and status of the elderly victim, the criminal then took advantage of them and either beat them or unduly committed a more severe crime against them.

Now, why are the elderly victimized? Certainly, we have heard that you know they are less agile. Their senses in some cases are not as great as they have been. We also look at the criminal, and in the case of burglars in New Jersey, we find the most typically arrested burglar is a 13- to 17-year-old male who preys upon victims within a 5-block radius of his neighborhood. And in many cases, these are the elderly that are most easily watched, set up by this younger type of criminal.

Now, not that the incidence of crime——

Mr. RINALDO. Would the gentleman suspend? It becomes difficult for people, reporters, and others who are listening to really concentrate on what the witness is saying when there are a lot of people talking in the room. It really would be appreciated if everyone would keep quite and pay attention to the witness. Thank you.

Mr. GREEN. The crime against victims is serious. But also we realize that the resultant fear generated by that crime, even though the victim may recover from the economic, financial or personal loss suffered at the hands of the criminal, the fear, the vicarious fear among those he knows and comes in contact with is almost as gripping and the psychological impact is almost as devastating as the crime itself.

What we have tried to do as crime prevention practitioners, is deal with not only the crime, but try to teach on a one-to-one and group basis how to protect yourself individually and collectively from being victimized by the crime itself, but also how to deal with the fear of the crime. I think that is where we have in some cases been most successful.

We find the impact that crime has on the elderly is far greater than on other segments of society. We are just as concerned about the victim's justice system as the criminal's justice system. Now what is specifically being done in New Jersey to address the needs of elderly crime victims and to try to prevent the elderly from being victimized? I call up a couple exemplary programs.

The Montclair Police Department has a community development block grant geared specifically toward prevention of crime against the elderly. They have produced their own guide to help prevent crime against the elderly. They have purchased portable stakeout alarms to be lent to elderly citizens who have to go into the hospital, on a visit, into the nursing home for a short stay.

The alarm is connected directly to the police department so senior citizens can leave their homes and feel a little bit safer that someone, even though it is a machine, is on guard at their house. The crime prevention unit has tried to seek out groups of seniors at their gathering places such as the YMCA, nutrition centers, housing complexes and churches to try to educate them.

That is really where we have gained our information and expertise in dealing with the seniors about the crime problems which face them. Their grant pays for no salaries, it is only program ma-

terial. This is the type program not possible through normal municipal funding. In Dover township a completely voluntary program called Operation in Touch encourages seniors to get a photo I.D. card with a number which identifies them to the police department.

Confidentially, the police department keeps their complete medical history especially what they are allergic to and what special illnesses they should be treated for and their family contacts, relatives, that type of emergency information which should be on tap in case of emergency. If a senior is stricken or becomes ill anywhere in the country and carries this card, the people can get that type of information through the police department on short notice.

Many of you may be aware of another program which is operative in Ocean County called the Carrier Alert Program, whereby the Postal Service cooperates by putting a red dot inside an older person's mail box so in case mail is uncollected for more than a day, they notify the police department right away.

Mr. MICA. Excuse me. Mr. Chairman, Mr. Green, I don't mean in any way to be imprudent, but we have got a couple of us who have to catch a plane. We have two more witnesses. If I could ask, Mr. Chairman, we have a summary, then maybe a little exchange, it would be helpful to us.

Mr. GREEN. My two points, I would like to see are increased resources in training for police officers in dealing with the elderly, much as what Congressman Rinaldo called for in his opening statement because right now there is no training. There is no information or program material itself, other than what we can get from AARP.

We are looking forward to working with Colonel Pagano on State Crime prevention. The other thing we look for is the review, especially by the Housing and Urban Development people, of environmental design problems when they build projects such as this. Because why should we engineer in windows, locks, security devices, lighting and furnishing which can be vandalized into the building plans when they should be looked at before hand? That is what we would like to see, mandatory review by those Federal agencies so that it is cost effective.

Instead of having to be retrofit, it can be engineered into the plans at the beginning. I think those are the best ways we can address the problem and could be most cost effective.

[The prepared statement of Mr. Green follows:]

PREPARED STATEMENT OF DETECTIVE DAVID R. GREEN, PRESIDENT, NEW JERSEY CRIME PREVENTION OFFICERS ASSOCIATION, INC.

Mr. Chairman, and Members of the Committee: On behalf of the four hundred crime prevention practitioners represented by the New Jersey Crime Prevention Officers Association, Inc., I welcome and appreciate the opportunity to speak on the issue of "Violent Crime Against New Jersey's Elderly." I represent approximately 275 law enforcement and government agencies and approximately fifty private sector organizations dedicated to the reduction of crime in New Jersey. Most of us are active police officers assigned, on either a full or part-time basis, to providing crime prevention services and programs to our communities.

In many instances a large part of our constituency is the older resident because he has specific and very real crime concerns. While crimes against children and the strategies needed to protect them have been most in the news recently, this does not mean that the seniors in our community are being victimized less than before. The demands have remained consistent with the fears of this group. Crime Prevention as a descipline deals not only with the proactive practice of criminal opportunity reduction, but also the reduction of the fear of crime. In our dealing with the elderly, this is a most important concern. For as crippling as a crime perpetrated against a senior citizen may be, the resultant publicity and impact among his peers is almost as devastating. Studies conducted by the International Association of Chiefs of Police and the American Association of Retired Persons indicate that older persons are less likely to be the victims of the most feared crimes of stranger-to-stranger homicide, rape, or aggravated assault. And when they do become victims of these crimes, it is often because a lesser crime such as burglary or purse snatching was being committed and then escalated. But even these low rates of victimization by the most violent crimes can be further reduced through the opportunity reduction for the lesser crimes.

Our officers report, and the American Association of Retired Persons (AARP) confirm that older persons are primarily victims of criminal fraud, strong arm robbery and purse snatch, and thefts of checks from mailboxes. In city neighborhoods, burglary also remains a problem for the older adult. This may be because the resident has not moved from the neighborhood when the rest of the residents have changed, and the resident still lives in the same house which is secured with the type of lock which always existed in the home * * * even when nobody locked their doors in that neighborhood. Studies of offender profiles in the 1983 New Jersey Uniform Crime Report indicate the most typically arrested burglar in New Jersey is a white male in his teens who targets victims within a five block radius of his own home. The elderly frequently fall prey to this criminal.

The older person's fear of crime is enhanced by reading and hearing accounts of violent crime in the news media and can have almost as much effect as the actual victimization. We are blitzed by violent crime in the media and become traumatized by the daily dosage brought into our homes at 5, 6, and 11 p.m. We soon feel that it is safer inside our homes and apartment rather than chance walking to the corner store after dinner or visiting a friend unescorted. The crippling psychological impact of even a crime without physical injury can be far more severe than a crime after which an injury would have to heal, or the economic loss overcome. Crime Prevention serves the community and its residents by rationally and accurately discussiong the type of crime incidence in the neighborhood, and by giving specific advice on how to minimize becoming a victim of the crimes most likely to effect residents.

In AARP's 1982 study, "Crime and Older Victims," correlations are drawn between age and vulnerability to certain crimes. Physical limitations and dulled sensory perception may cause older persons to see and hear less than when younger, and lack of agility or strength may cause a reduction in their ability to defend themselves from attack or protect their property. A lonely newly widowed woman, who is hesitant to leave the safety of her home, is much more likely to welcome a fast-talking con artist who seems interested in the widow and her concerns but is actually only interested in separating her from her life's savings.

Our concern is that this lifestyle is forced upon the elderly not by choice, not by law, but rather by the criminal and the resultant fear of being victimized. This is a failure of our criminal justice system. We do not rely only upon the statistical number of crimes and the composite victim, but rather the impact that the crimes have upon our communities. We are more concerned about the victim than the criminal. We want as strong a Victim's Justice System as the Criminal's Justice System.

What specifically is being done to address the needs of older persons through Crime Prevention practice? Since our organization is a representative association with few on-going permanent programs as we serve as mere volunteers operating for the purpose of exchanging the latest techniques and strategies on crime prevention, I share these exemplary programs.

In Montclair the Police Department's Crime Prevention Unit is the recipient of a Community Development Block Grant to provide a comprehensive crime preventive effort geared specifically towards seniors. As part of the project, the police department has authorized, printed, and distributed a nineteen page anti-crime guide; purchased three portable stake-out/burglar alarms connected via telephone to the police department for lending to seniors who will be away from their homes due to a hospital admission, nursing home stay, or out-of-town visit. The lending of portable security systems provides a great degree of assurance and decrease in the fear of

burglary to the senior citizens. We lend this type of system out from my own police department in Madison, and the most appreciative are those elderly who can leave their home and feel that it will not have been intruded upon in their absence. After an older person's home is burglarized, they never feel safe there again. They dread both leaving home and returning in case they might be victimized again. Montclair's program also provides a varied and extensive direct education program tailored for and brought to the senior citizens at their housing complexes, nutrition centers, churches, and gathering places like the YWCA. Even though this grant pays for only program material, and no salaries, projects like this certainly would not be possible through normal municipal government funding.

In Dover Township, the police department provides a reassurance and community outreach program through "Operation In Touch." This project encourages seniors to obtain a photo ID card with a code number and the police department's telephone number so that in the event of a medical or other personal emergency, a person anywhere in the country need only telephone the Dover Township Police where the older person's doctor, emergency telephone numbers, family contacts, and medical history are filed confidentially. This program is especially valuable when a resident is away from home and their medical history would normally be unavailable on short notice. The photo ID cameras are staffed by volunteers, and local banks cooperate by allowing the program to register the seniors in their lobbies. The Dover Township Crime Prevention Unit promotes this program during their regular programs before senior citizen groups and organizations dealing with the crimes which target older persons in their area: consumer and criminal fraud, con games, and itinerant burglars, home handymen, and driveway resealers.

In Ocean County, the postal service cooperates with the Ocean County Crime Prevention Association in the "Carrier Alert" program whereby a red dot inside an older person's mailbox would alert the mail carrier to uncollected mail in the box and a potential problem with the resident. Police can then be notified on a routine basis to check on the safety of the older resident.

Perhaps our biggest problem in New Jersey is the lack of program material and training on how to deal with the older crime victim. We are proud of the help which the Crime Victim's Compensation Board provides to all victims, certainly no more appreciated than by the elderly on a fixed income and with little opportunity for recouping losses. But there is no agency, state or federal which provides training, program material, or technical assistance to those of us who interact on a daily basis with older crime victims and potential victims. Much of our education comes from listening to their needs as expressed in Neighborhood Watch meetings. These are valuable programs for the older resident who remains in their neighborhood after retirement. And for those who move to retirement communities and band together to form collective protective groups in their new neighborhoods. Crime Prevention practitioners are indebted to the American Association of Retired Person's Criminal Justice Services Department who makes available training guides, printed program material and brochures for distribution, audio-visual educational programs, and technical assistance at no or little cost. We could not be as effective without them. We would like to see more assistance provided in this area by the agencies whose primary clients are the elderly.

Lastly, one of our great concerns is the funding of numerous senior citizens' housing complexes without regard to the environmental design which can affect the crime trend in and around the government sponsored or administered housing project. Without specific legislative or administrative direction to those who propose, design, build, or administer these complexes, problems are often engineering into a building instead of being designed out. By the location, construction design, or equipping, crimes can be directed towards the residents; and the project can create problems for the older resident rather than alleviate them. Housing and Urban Development or other government funded programs should be reviewed by physical security specialists before the final design is sent out for bid. The inclusion of proper doors, windows, security hardware, and vandal resistant lighting is certainly cheaper when designed with the building and with the resident's safety and security in mind, rather than trying to retrofit or improve upon existing conditions after a crime was committed. What is paramount? An architect's artistic vision or maximizing a budget when compared to crimes directed at older persons and the resultant fear of crime around them?

We thank you for the opportunity to address the committee and your concern for the older person and the crimes which are directed against them. We know you will agree that a proactive, before-the-fact approach is the best, and most cost effective way to deal with these crimes.

Mr. RINALDO. Thank you very much. Chief Propsner?

STATEMENT OF JOHN C. PROPSNER

Mr. PROPSNER. I will be brief. Everyone has spoken about the decreasing crime in New Jersey. In 1983, the city of Plainfield marked a sigificant decrease in crime. I believe our decrease was some 27 percent in 1983. Unfortunately in 1984 we marked an increase in crime, specifically street robberies. In fact it was our highest total since 1982. We had a total of reported robberies in 1984 of 546, some 199 higher than 1983. Although the number of robberies reported concerned us, during the months of August and September, we identified a trend.

The trend was that an overwhelming majority of the victims were elderly. In fact, while elderly citizens in Plainfield comprise some 14 percent of the population, for 4 consecutive months, August through November, they ranked among the top three victimized age groups. In fact, for 6 of the 12 months, they were among the top three victimized age groups. We tried at that time to go out through press release and our crime prevention group, through meetings at the senior centers and instruct people on defensive living.

We ascertained most of the victims were attacked either while leaving their motor vehicles or entering their homes. As Ms. Zidonik indicated in her testimony, it was while entering her home. In addition we tried to get our police explorer posts involved in escorting senior citizens to the local shopping areas. It is a program that didn't take off, I think, basically because of the transportation problem.

Explorers are from 14 to 18 years of age and many of the seniors are not of an age that they could easily walk to the shopping centers. Also during 1985, we have with the assistance of our local councilmen, Jon Bramnizk, reinstituted our citizens patrol program which is basically an extension of the neighborhood watch, a group of people from the neighborhood who perform patrols in their neighborhood utilizing two-way radio to maintain contact with the police acting as an additional set of eyes and ears for the police division.

During the same period that we noticed the increase in robberies was about the time that the county prosecutor's office announced their get tough policy on those involved in crime against elderly. My feeling is simply this. Robbery is a crime of opportunity. Someone may leave their home with the express purpose of victimizing the elderly citizen, but whomever is available will ultimately become the victim. In addition to the reactive programs, additional sentencing or victims compensation are programs that require you to be a victim before we assist you, I would like to see funding for proactive programs so when an officer goes to an elderly citizen's home and says you need solid core doors or dead bolt locks or burglar alarm that there is some source of funding we can turn to so people on fixed incomes can enjoy that security.

[The prepared statement and attachments of Mr. Propsner follow:]

STATEMENT OF JOHN C. PROPSNER, ACTING CHIEF OF POLICE, CITY OF PLAINFIELD, NJ

I would like to thank the Committee on Aging for inviting me to testify before them today. I am not an expert, nor do I claim expertise on this subject of crimes against the elderly. In fact, this is the first invitation I have ever had during my seventeen years as a police officer to testify anywhere other than in a court of law.

As I said, I do not qualify as an expert on this subject; however I can share with you our experiences in Plainfield during 1984 with violent crimes against the citizens of Plainfield, including senior citizens. The City of Plainfield is classified as an urban center with the reported 1980 census population of 45,555. Senior citizens comprise 14 percent of our reported population.

After recording a sizeable decrease in crime during 1983, the City of Plainfield marked a significant increase in robberies during 1984—the largest reported number of robberies since 1982—for a total of 546 robberies in the City of Plainfield. The largest increase occurred during the months of August through November. It was during this period of August and early September that we found that an increasing number of victims were senior citizens, 60 years of age or older. Our year-end analysis of all reported robberies indicated that senior citizens 60 years of age and over accounted for 14 percent of all reported robberies. It also showed that while senior citizens were the fourth most victimized age group based on the 12-month analysis, in fact they were the first most victimized age group in one month, the second most victimized age group in 2 months and the third most victimized age group during 3 months. For 4 consecutive months they were among the top three victimized age groups, and for 6 of the 12 months of the year they were ranked in the top three victimized age groups.

During this period of increased robberies the Plainfield Police Division made a concerted effort through newspaper press releases and crime prevention lectures to senior citizen groups and block associations to alert senior citizens and the citizens of Plainfield to this problem, and to offer safety tips on defensive living. During 1984 the Plainfield Police Division Crime Prevention Unit presented six crime prevention lectures at senior citizen housing centers, 44 lectures to block associations which include among their membership senior citizen home owners, 13 lectures to social groups, and in addition, we produced four crime prevention shows for the local cable TV channel. During these presentations we stressed not only property crime prevention, but also offered safety tips on defensive living, which is simply an awareness of personal safety and what steps can be taken to avoid becoming a victim.

In addition, the Plainfield Police Division provides an escort/standby service for any citizen who requests it. This service consists of dispatching a marked patrol car to stand by while the citizen is entering or leaving his/her home. Our Police Explorer Post also offered their services to the various senior citizen housing centers to provide escorts for senior citizens to and from the city shopping areas. While the police standby program is widely used, the Explorer escort service has yet to be utilized, which may simply be due to a transportation problem.

It was also during this time period that the Union County Prosecutor's Office announced their policy of vigorous prosecution for those persons involved in crimes against the elderly; however it is my personal opinion, even with the experiences we have had in Plainfield during 1984, that increasing penalties for the commission of crimes against specific age groups, or for increasing or extending monetary compensation to victims in specific age groups, only treats a small part of the problem. Both robbery and burglary are crimes of opportunity. A person who is intent upon committing these crimes may go out on the streets of Plainfield seeking out a victim of a specific age group or an unoccupied premise, but will almost certainly victimize anyone without regard to age if the circumstances are right.

Instead of attempting to compensate victims or legislate additional penalties for crimes against a specific age group, I would rather see a source of funding for proactive measures; funding that would assist senior citizens who are home owners in securing their homes properly to guard against the burglar, or funding that would provide transportation for senior citizens to and from shopping centers and for local police departments or specific senior citizen groups to initiate a series of ongoing crime prevention seminars so that senior citizens are constantly made aware of the fact that they may become victims solely by virtue of their age.

I would also like to see additional funding for county prosecutors to allow them to assign special prosecution teams for violent crimes, who would be available to advise police during an investigation phase or arrest phase to insure that the cases that are prepared are adequate for prosecution, and to insure vigorous prosecution

of all arrested offenders to secure convictions and maximum sentences whenever possible.

It is my opinion that the proactive measures could be applied to this problem if there were a consistent source of funding that did not rely on fines of suspects. It would have a far greater effect on the problem of crimes against the elderly.

PI \INFIELD POLICE DI' 'SION
OFFICIAL REPORT

TO: Chief John A Propsner, Attn:Cáptain David Curran
FROM: Sgt Richard A Blackmer, & PO Richard Gallagher
DATE: 4 Feb 85
SUBJ: Staff Study 1984 Robberies

Sir:

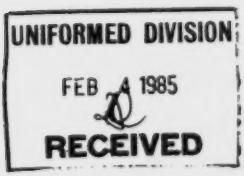
Attached is the completed Staff Study of the 1984 robberies which occurred within the City Of Plainfield. It consists of (15) graphs and a cover page.

Graph I - By percentage show race/age comparison
Graph II - By percentage show race/age comparison
Graph III - By percentage victim injury/treatment comparison

The next (12) graphs show a month by month breakdown of the same aforementioned categories/race/age/victim/age comparison and injury treatment. The total of robberies for the year of 1984 were 547.

A. Robbery - Victim race/sex comparison

1. Black Males	153	or	28%
2. Black Females	44	or	8%
3. White Males	207	or	38%
4. White Females	128	or	23%
5. Commerical	9	or	2%
6. Pacific Islander	2	or	0%
7. Pacific Female	2	or	0%
8. Indian Male	1	or	0%
9. Indian Female	1	or	0%



Line 6, 7, 8 and 9 = 1% of total victims.

B. Age Comparison

1. 1 - 19	104	or	19%
2. 20 - 29	165	or	30%
3. 30 - 39	83	or	15%
4. 40 - 49	61	or	11%
5. 50 - 59	54	or	9%
6. 60+ -	80	or	14%
7. Commerical	9	or	2%

Injuries sustained as a result of a robbery. Each victim claiming an injury was placed in a numerical category depending on severity of injury.

1 - bruise, small laceration
2 - broken bone
3 - stabbed/cut severally
4 - gunshot

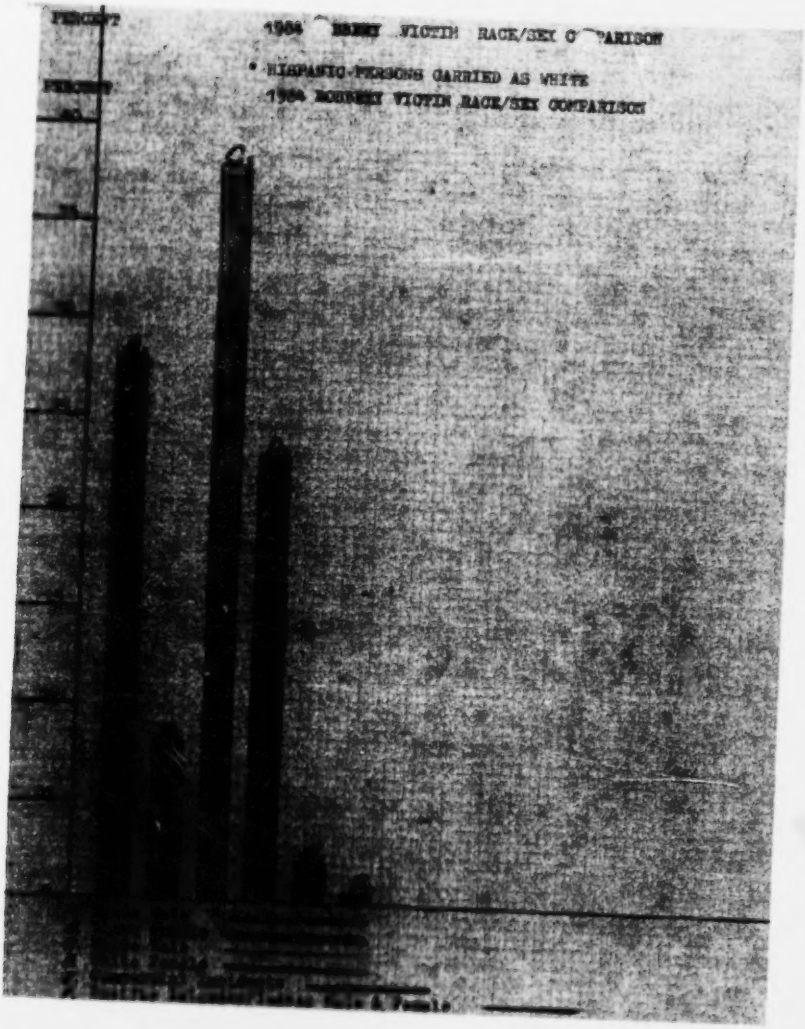
With a total of 547 robberies, 309 victims claimed injury:

284 of 309 status - 1	or	92%
4 of 309 status - 2	or	2%
18 of 309 status - 3	or	6%
1 of 309 status - 4	or	0%

Respectfully submitted

Richard A Blackmer, Sergeant
Safe Streets Unit

PO Richard Gallagher



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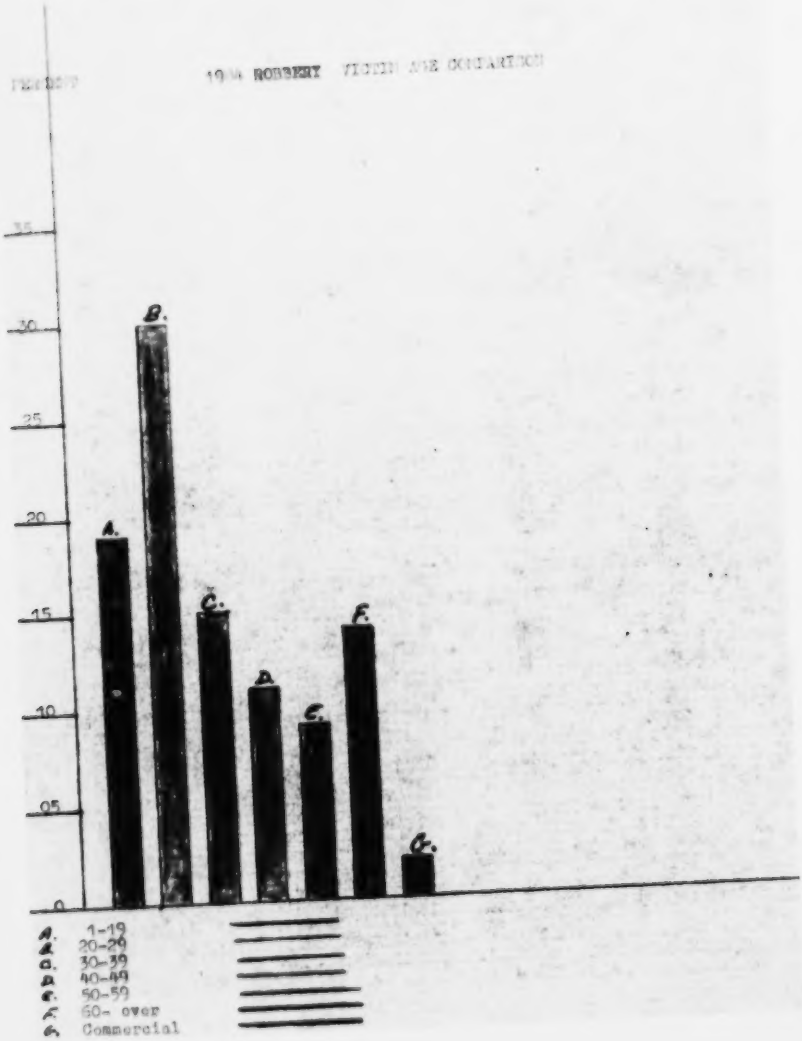

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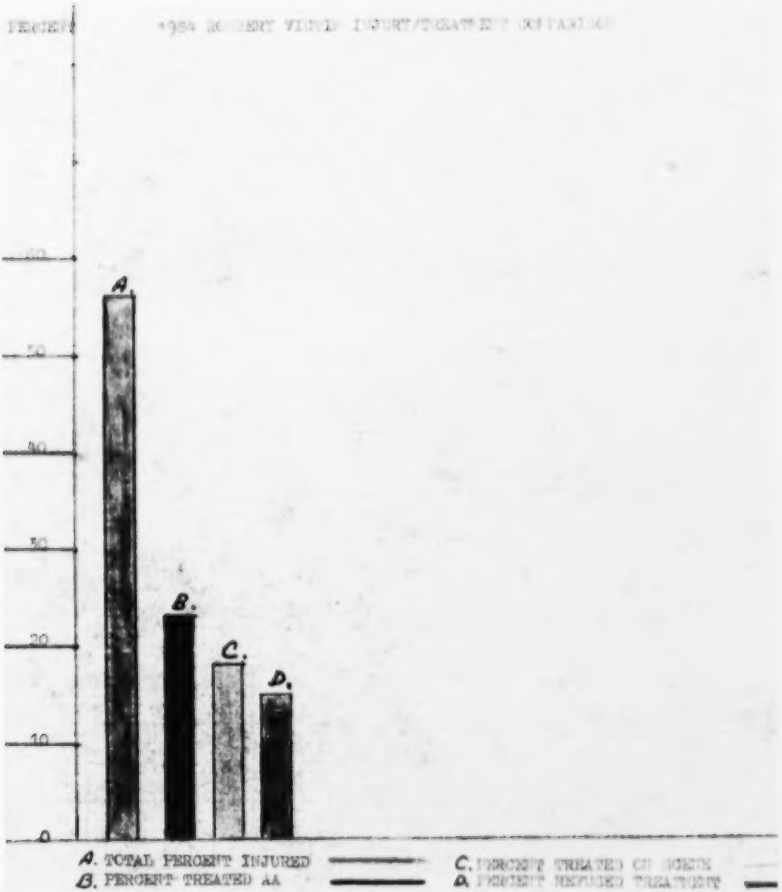

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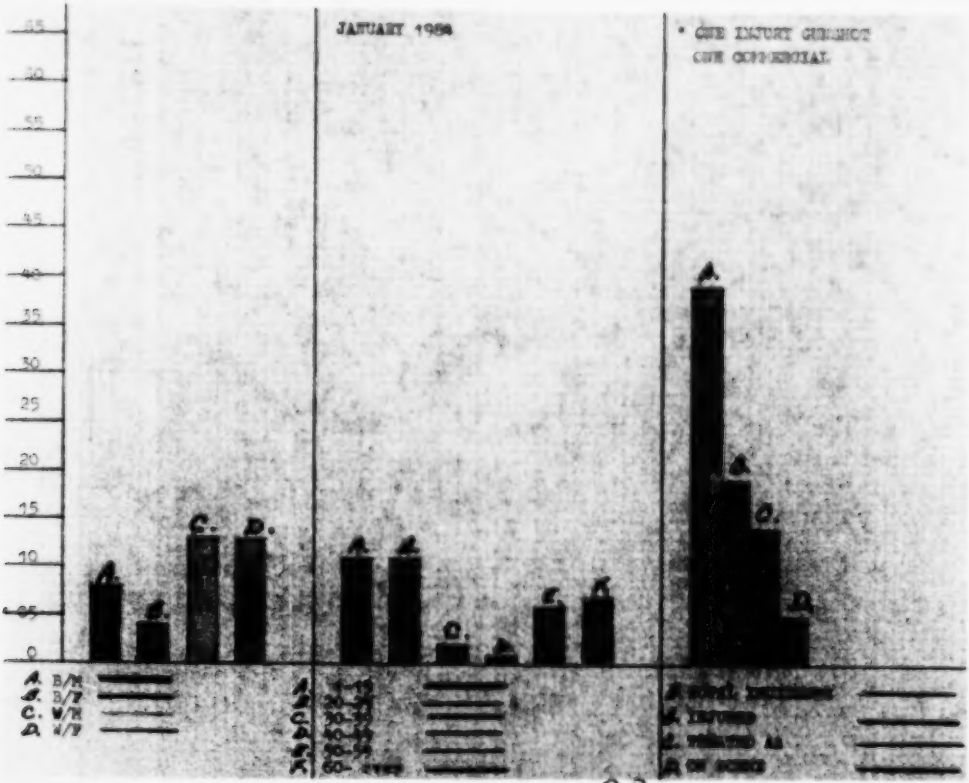

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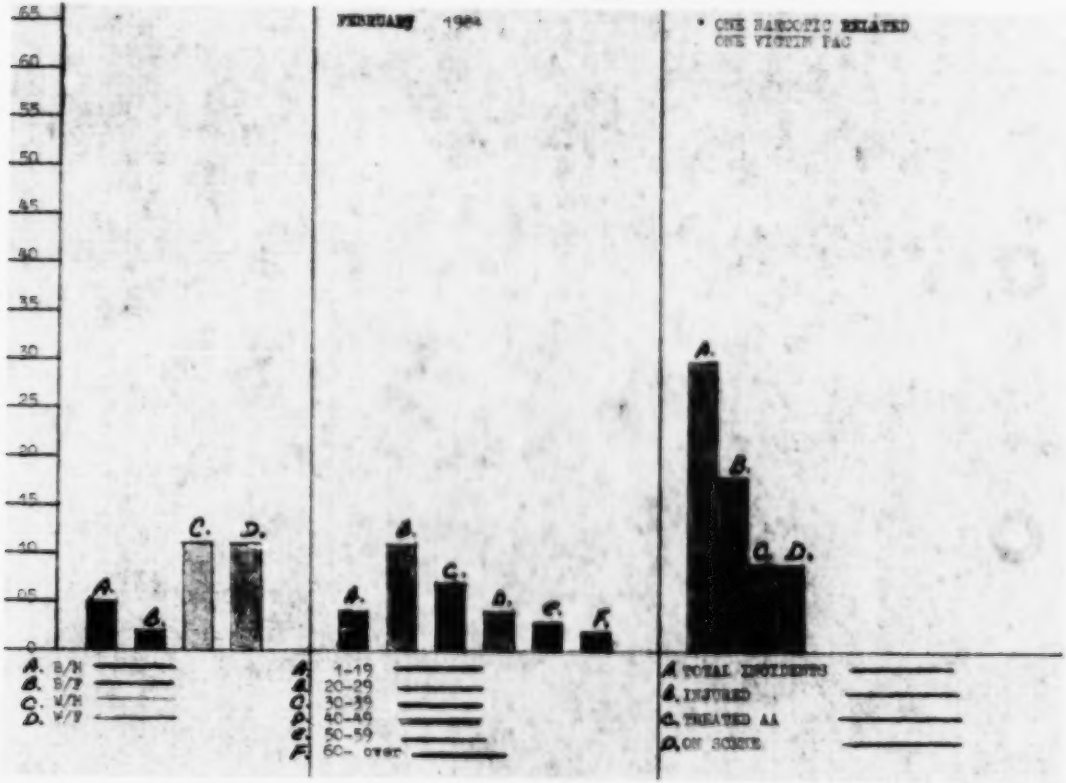

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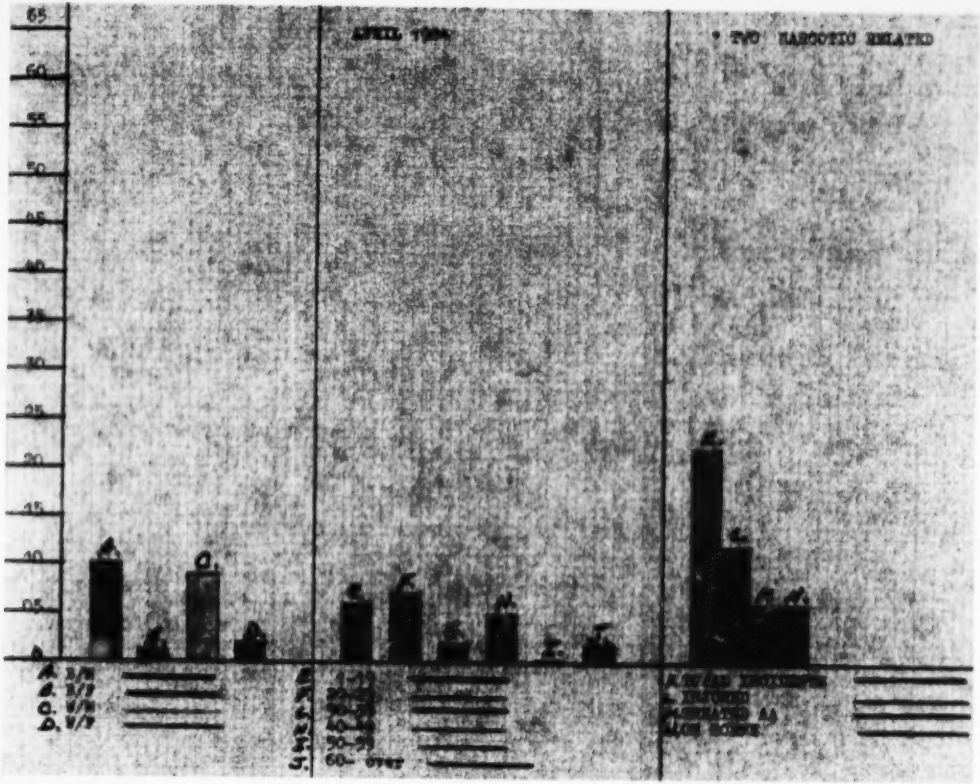
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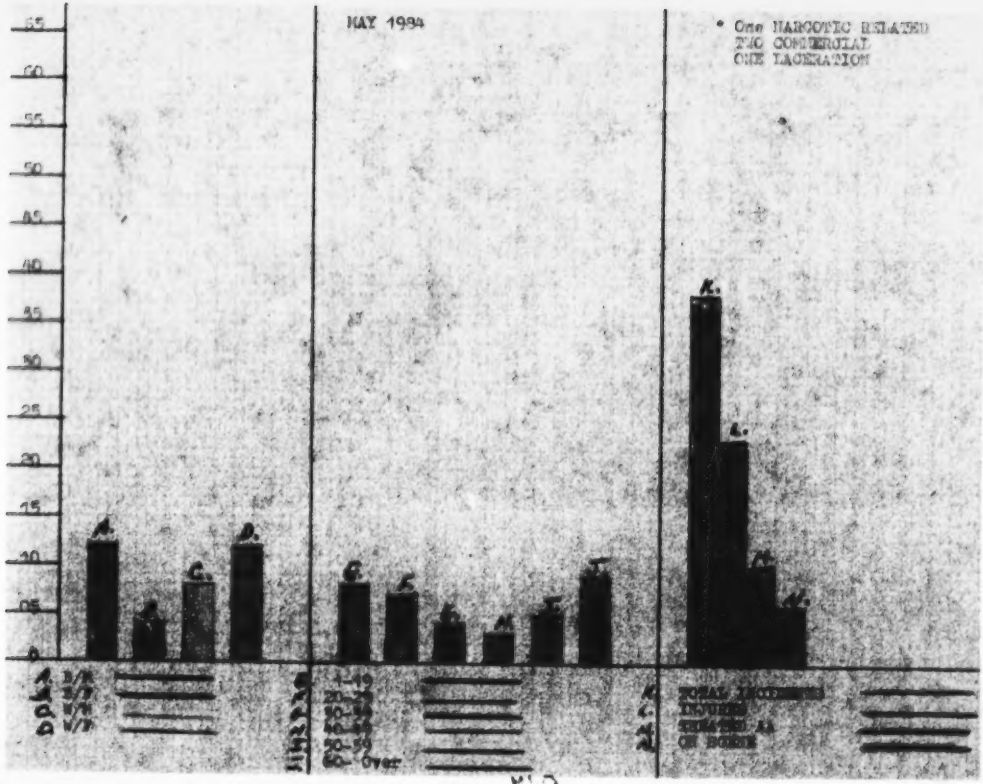

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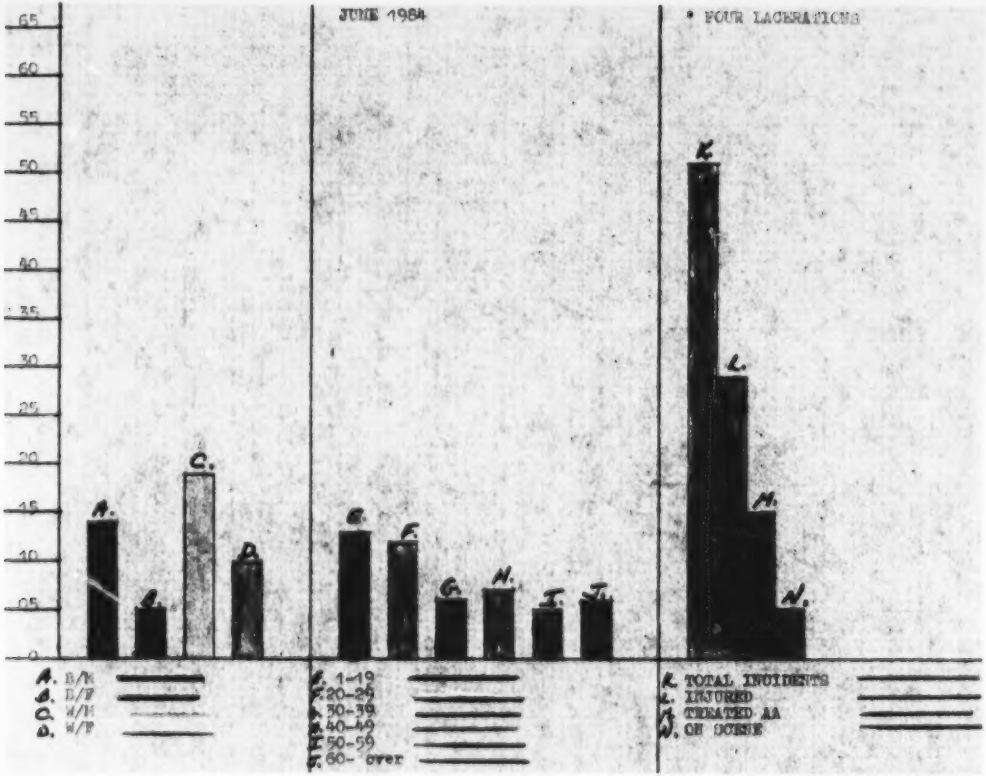

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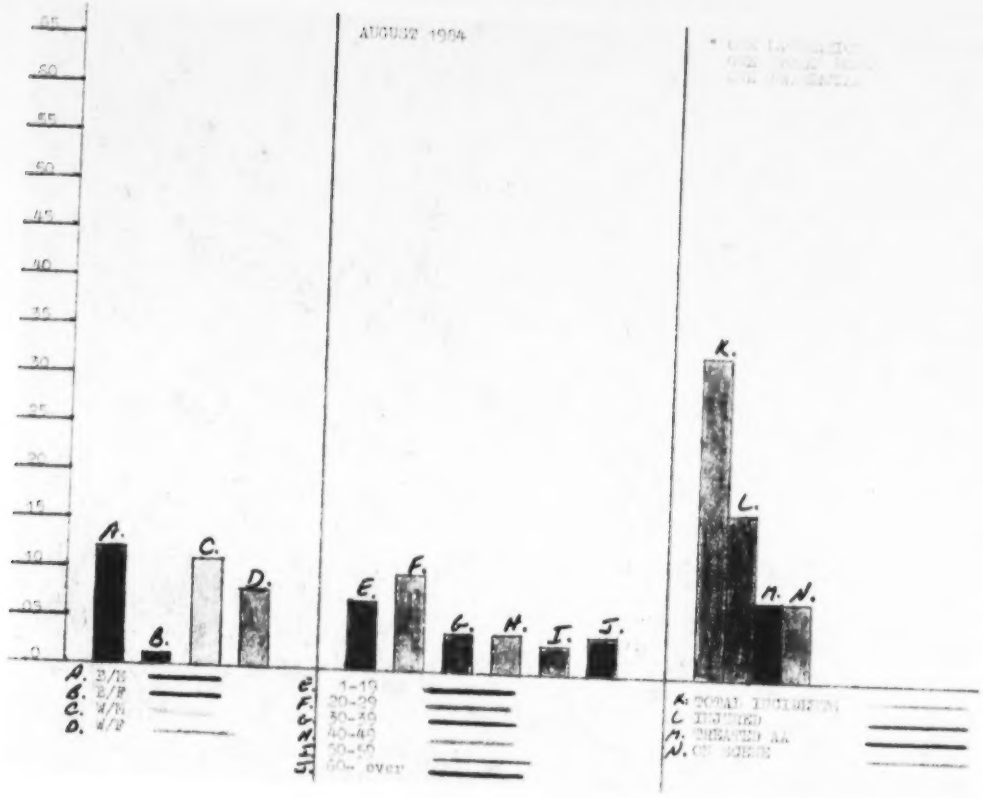

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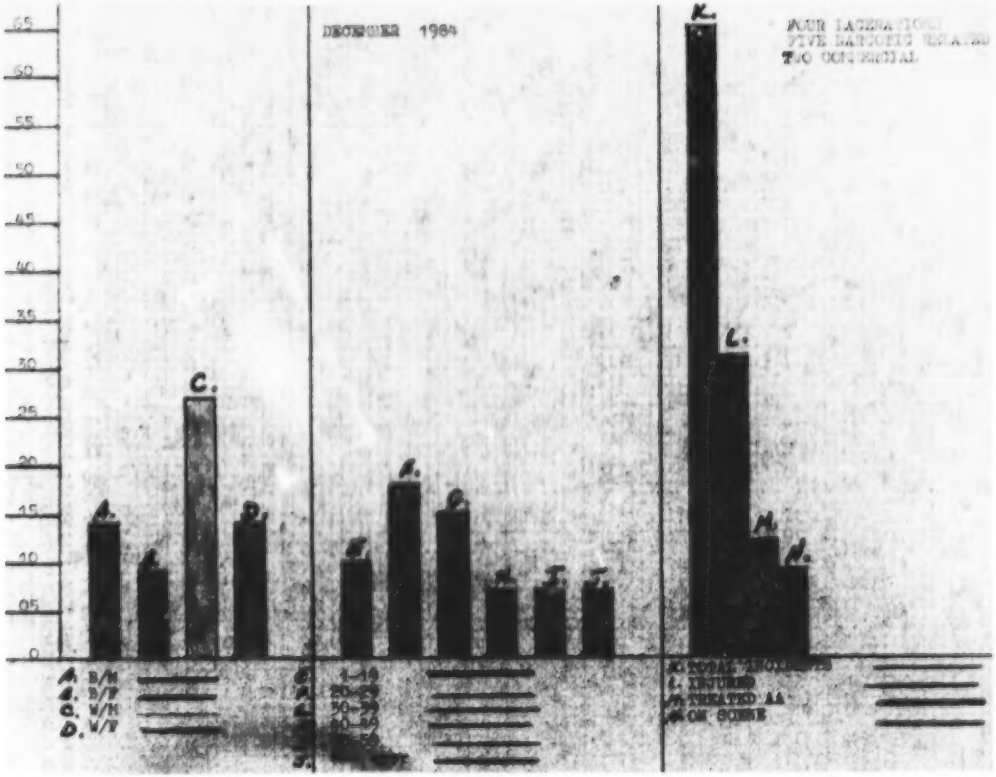

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[From the Newark (NJ) Star Ledger, Feb. 10, 1985]

CIVILIAN CRIME FIGHT—PLAINFIELD RESIDENTS FORM PATROLS TO AID COPS

(By Gabriel H. Gluck)

They're not vigilantes. They're not out for blood. They simply want their streets back.

They want their families and neighbors to be able to walk without fear. They want to sleep at night and not worry whether their homes will be ransacked.

So they have joined the war on crime.

Fifty Plainfield residents have joined a newly formed Citizens Patrol. Equipped with two-way radios that keep them in contact with a base station at police headquarters, the members of the patrol use their own cars to cruise through their assigned district at night.

"The cops can't be everywhere all the time and I think this is a public service," said Clement Lupton, while patroling the city's West End one recent evening. While many members of the patrol believe in what they are doing, few wanted to be identified publicly for fear of retaliation to family members.

As Lupton and his partner, "Al," were cruising through the streets in one of the city's roughest sections, they looked for anything suspicious.

"I watch the kids rip-off the old people—that's what aggravates me," said Al. "We're prisoners of our own home. I want this town to be safe for my mother."

The 43-year-old knew a totally different Queen City when he grew up. "I remember when you could walk around safely at 2 a.m., when you could go on a vacation for as long as you wanted and everything would be safe," he said.

"I could sit back on my porch, but the only way you're going to fight crime is if you get involved," he said. "This is my home. Where am I going to run to? You have to take a stand somewhere."

In training sessions over recent weeks, Sgt. Richard Blackmer, the police division's liaison to the Civilian Patrol, has drilled into the volunteers that their primary purpose is to serve as another set of eyes and ears for the police.

"Stay in the car and don't get involved," Blacker repeats in various incantations to new members. And that's just fine by the patrol members, they said, for they feel safe inside a car.

By using their own cars, it is more difficult for criminals to identify them. "Being in a regular car, they don't know who this is. They can never be sure," said Lupton.

The members of the patrol, who are as racially, ethnically and sexually mixed as the city's population, are taught what to look for—the signs of suspicious activity. But their greatest contribution, say police and patrol members, is in the deterrence of crimes of opportunity.

They are forbidden from carrying weapons or anything else, such as a bottle or tire iron, that could be used in the heat of the moment.

"We want the program to work but we don't want one person to go out and ruin the reputation of the program," Blackmer said.

"There have been some concerns over a vigilante image to the program," acting Police Chief John Propsner told some members prior to their first patrol. "But I don't see it that way. The police division is happy that the program is taking off. It is a logical extension of the neighborhood watch program."

A previous attempt at a civilian patrol some years ago fizzled. "Hopefully, this one will carry through and will be in effect in the summer when problems really pick up," Propsner said.

In 1984, the city police division's 118 officers responded to 52,821 calls and arrested more than 5,400 individuals up from 3,016 arrests in 1983.

The number of crimes in the city last year rose by 20 percent over the previous year. The number of assaults alone soared from 856 in 1983 to 1,391 last year, according to Propsner.

Some of the increase is attributed to stiffer enforcement of domestic violence statutes he said. In the past, officers would separate a couple, get one member out of the house to cool off, and then write off the incident.

Now, the police division is emphasing arrests in such cases, which at one point were running 60 per month last year, Propsner said.

But the chief concedes that there are still very real problems.

There were 546 robberies in the city last year, a 57 percent increase over the previous year. But of all those robbers of which the vast majority took place on the street, police were able to make arrests in only 51 incidents.

From 1983 to 1984, the number of murders dropped from five to one and rapes from 26 to 13. While burglaries declined from 1,055 to 1,047, those figures show that nearly 7 percent of all city homes were burglarized last year.

There were 2,098 thefts in 1984, a year in which 212 motor vehicles were also stolen. In fact, there was a period during the summer, Propsner said, when bicycles were getting ripped off at the rate of three and four a day.

Many Plainfield residents are acutely aware of the city's crime problem, which stands out in stark comparison to neighboring communities. For example, in 1983, the last full year for which statistics were available, there were 83.2 crimes committed against every 1,000 residents in the city.

In North Plainfield, there were 43.5 crimes per every 1,000 residents and in Scotch Plains, the crime rate was 29 incidents per 1,000 residents.

Plainfield's crime rate in 1983 was even a fraction higher than Elizabeth's, a city in the eastern end of Union County with a population more than double that of the Queen City's estimated 45,000 residents. Yet, the crime rate in New Brunswick, a nearby city of similar size to Plainfield, was 67.2 incidents for every 1,000 residents.

Historically, Plainfield was once the commercial and social hub of the area. But in the 1960s, the city was convulsed in fights over school desegregation. In 1967, street riots in the West End rocked the city, triggering an almost unabated white flight and loss of downtown businesses.

While the city has somewhat stabilized in recent years, Plainfield today is one of the most economically depressed communities in the area. And while the decline in academic achievement in city schools has reversed, test scores still lag seriously behind neighboring suburban communities.

Nearly 11 percent of city residents are now receiving public assistance and, of the nearly 16,000 households in the city, 38 percent are classified at the poverty level.

During a recent press conference to announce a study of the police division by the Union County Prosecutor's Office, Prosecutor John H. Stamler said crime was a fact of life that city residents might have to get used to.

According to state police records, violent crime in urban communities accounted for 81 percent of the state's total violent crime and 58 percent of the reported non-violent crime.

It was several years ago that the city received funds to purchase nine walkie-talkies to launch a civilian patrol. They were used for a few months by a group of block association members, but then gathered dust.

At a city council meeting in December, Second Ward Councilman Jon Bramnick, waved one of the unused radios and pledged to donate $500 of his council salary as incentive to revive the program.

Bramnick has also joined the Civilian Patrol. During the two years he lived in an old, stately apartment building on Watchung Avenue, "nearly every old woman living there got mugged three or four times," he said.

The increase in robberies and muggings, with a serious number of them directed at older city residents, appears to have served as a catalyst for Bramnick and other residents getting involved with the Civilian Patrol.

"Amelia" sat in a car outside Muhlenberg Hospital the other evening with her partner, "Sam." They were watching to see that visitors got safely to their cars. She knows the problem well, for she was mugged outside the hospital after visting her husband, another robbery victim.

She is concerned with the increase in crime in her residential neighborhood, not far from the hospital. Several months ago, her 72-year-old husband had returned home with some groceries. As he was unloading the car—"in broad daylight"—he was struck from behind. When he came to, he found his wallet and keys were stolen.

His jaw was broken.

"The fact that it happened in our neighborhood, and in the daytime, prompted me to get involved," said Amelia, who moved to the city in 1948. They enjoy living in Plainfield and don't want to move, she said.

All too often, the scenario of the attack is played out again and again. "The muggers strike their victims first to disorient them. So, it is almost impossible to get an identification of the attack," said Propsner.

It has been frustrating for police. Of the nearly 900 robberies during the past two years, less than 100 have been solved. And even when they catch an offender, the problems are not necessarily over.

For five weeks, from late November to early December last year, the police division put together a special task force to go after muggers. Seventeen attackers were arrested, 12 adults and five juveniles.

However, police arrested the same juvenile four times. And each time the 17-year-old was apprehended, he was released by a juvenile court judge in Elizabeth, Propsner said.

According to the State Police, in 1983, juveniles accounted for 28 percent of all solved crimes in the state. Youngsters under the age of 18 committed 33 percent of robberies, 32 percent of burglaries and 30 percent of thefts.

Police patrols spotted the 17-year-old on the street late the other night with a friend, who is also well known to authorities. But there was little they could do.

"He's just one of these street people who's out there all the time," said the chief. "He is just an animal."

"If the juvenile justice system were tighter, we would probably have less crime," Propsner said.

Mr. RINALDO. Thank you. It was encouraging to read in the Sunday Star Ledger about the Plainfield Citizens Patrol which certainly, I think, should aid in your efforts. Let me ask one question.

I don't think you touched on the reasons why in many cases crime rates have dropped from 1983 to 1984 in municipalities in Union County while Plainfield's has shot up so markedly. Is there any explanation you have? You mention more of the victims were senior citizens, but that seems to be taking place in other communities also to the best of my knowledge. So is there any specific reasons you can pinpoint?

Mr. PROPSNER. I can't pinpoint any reason why we had the increase in robberies. We decreased in burglaries, rapes, and homicides, but we increased in robberies, thefts, and assaults. Part of the reason for our increase in assaults is a renewed interest in domestic violence, the fact that we started to apprehend and enforce the rules of the domestic violence law as it was written.

I have no answer to the increase in robberies. We have made use of decoy operations and deterrent techniques in 1984 and are waiting to see if increased apprehensions has any impact at all on the rate.

Mr. RINALDO. Detective Green, I listened very carefully to some of your proposals, which I think are excellent in nature, and certainly should be implemented at the earliest opportunity. Do you think it would be helpful if we were to establish within the U.S. Department of Justice a special office on elderly crime to put forth some of the educational and other programs that seem to be so vital to law enforcement groups within the State?

Mr. GREEN. I think either a special office on elderly or expanded crime prevention program in the Department of Justice with specific emphasis with the elderly, by specific staff people, making that as part of their charter. There is minimal funding on the Federal level for the crime prevention effort that we really draw on. We draw heavily on that program funding currently enacted now.

Mr. RINALDO. Let me ask Chief Propsner one other question. In the Plainfield Citizens patrol, how has the response been so far, and are there any senior citizens actually involved in the program itself?

Mr. PROPSNER. Response has been very good. We have about 50 members who have gone through the training and are now on patrols. There are some senior citizens involved in the program.

Mr. RINALDO. Fine. Thank you.

Congressman Hughes.

Mr. HUGHES. I just have a followup on the robbery statistic. It is just mind boggling. Is it basically young people that are committing these robberies? Have you been able to identify the age group?

Mr. PROPSNER. We did deploy a robbery task force through the most of November and December, specifically to address the problem of robberies, the officers were drawn from all of the sections in the police division and several apprehensions were made.

Mr. HUGHES. Are they armed robberies?

Mr. PROPSNER. They are basically street robberies. Mrs. Zidonik gave the scenario pretty well. It is a matter of first there is a blow, and then the taking of the property and fleeing on foot. We don't have too many where weapons were involved. Out of the 546 robberies we had reported in 1984, there was only one gun shot.

Most of the injuries were lacerations and bruises, a physical confontation.

Mr. HUGHES. How about the identity? Have the particular victims identified the age of the culprits?

Mr. PROPSNER. We had a profile on the offender. He was somewhere between 17 and 22 years of age, et cetera. Out of the people we have apprehended on our task force, during the first 3 weeks there were 17 apprehensions. Twelve were adults; five were juveniles.

Mr. HUGHES. Thank you. Your testimony was excellent. I commend you for both your testimony and your work.

Mr. RINALDO. Congressman Mica.

Mr. MICA. I just also would add my commendation. One quick question. Are you doing anything through the police department in the schools?

Mr. PROPSNER. Our youth section is involved in an open door program where they are in the schools on a regular basis making contact. We are reinstituting our police athletic league—police activities league, as we prefer to call it, not to emphasize on athletics and explorer program geared to the 14 to 18 years old.

Mr. RINALDO. If the gentleman would yield, do you think one of your needs are increased street patrols, because there is so much talk and emphasis on resources. Is that one of the problems? Do you think you would be able to cut down on street crime if you had that type resource available?

Mr. PROPSNER. It is not always a matter of resources. We can always use additional people for street patrols, but it is also all of the system coming together. There has to be vigorious and successful prosecution. We have involved ourselves with a juvenile who in the last 3 months has been arrested for four robberies.

Mr. RINALDO. He is still out?

Mr. PROPSNER. He has been in and out of detention. He is currently out. It is a matter of all the pieces coming together to ensure that once an arrest is made there is vigorous prosecution and maximum sentence given where possible.

Mr. RINALDO. Congressmen Smith.

Mr. SMITH. Thank you, Mr. Chairman, I commend the two gentlemen for their fine statements. I was intrigued by your statement that HUD design certain aspects to reduce potential for crime. It occurs to me that site location might be another way of looking at it.

You noted in your testimony that notably the crimes were committed within a five-block radius of the perpetrator's home. Even though traditionally, HUD deals primarily with cities, putting them on the out skirts of the city that would put them out of range would be a way of protecting seniors.

Mr. GREEN. I don't want to isolate the seniors anymore—

Mr. SMITH. I am not suggesting isolation because I know the proximity to food stores and the like is important. But I don't know what relevance or what emphasis I should say has been given to high crime areas in HUD's criteria.

As you know, they rate any mission and give it a score. As far as I know, they don't have a crime score as to whether or not there is high potential for crime.

Mr. GREEN. The site location is almost as important as the design of the building. One can compensate for the other. Certainly a lesser crime area, the building can be constructed in a different manner so it doesn't harbor isolated spaces, dark corners, wide areas where seniors would have to walk from the street where they could be attacked.

They are both important.

Mr. SMITH. Thank you. I do appreciate your testimony.

Mr. RINALDO. Thank you. I want to commend both witnesses. I think you have certainly added to what we are bringing back to Washington, and I would like to request at this time unanimous consent the record remain open for any questions members of the panel may have, and that you respond in writing to the committee in Washington.

Mr. GREEN. Certainly.

Mr. RINALDO. Thanks again.

Our final panel is a citizens panel consisting mainly of aging service groups. I will call to the witness stand Ivy Lambert, president of the Greater Plainfield Senior Citizens Council; Philip Pearlman, acting director of Union County Division on Aging; and Richard Fox, executive director of the Plainfield Housing Authority.

Since we must conclude this hearing at 1 o'clock, it would be very very much appreciated if the witnesses would summarize their testimony, and we will see to it that the typed testimony is included in its entirety in the report.

Mrs. Lambert, you may proceed.

PANEL FOUR—AGING SERVICE GROUPS: CONSISTING OF IVY LAMBERT, PRESIDENT, GREATER PLAINFIELD SENIOR CITIZENS COUNCIL; PHILIP PEARLMAN, ACTING DIRECTOR, UNION COUNTY DIVISION ON AGING; AND RICHARD FOX, EXECUTIVE DIRECTOR, PLAINFIELD HOUSING AUTHORITY

STATEMENT OF IVY LAMBERT

Mrs. LAMBERT. Mr. Chairman, members of the select committee, I wish to thank the committee for allowing me to talk about crime in Plainfield. I want to begin by saying I am a senior citizen living in Plainfield for over 45 years. I am president of the Senior Citizens Council sponsored by the Plainfield area Red Cross, members

represented by about 30 clubs in the 9 communities served by the Plainfield Area Red Cross.

The council meets once a month. We plan a program for the year in which we have speakers on topics interesting to seniors. The minutes of each meeting contain detailed information of subject discussed so that representatives can provide their organization with such information. Crime against the elderly is the topic upper most in the minds of seniors.

This subject has been frequently discussed at meetings, especially after a crime prevention talk. The overall perception of the council is that enforcement officials and the criminal justice system, up until recently, have been ineffectual in controlling crime in Plainfield. I am just talking about Plainfield, since I live in Plainfield.

Plainfield senior citizens live in constant fear of becoming a victim either in the street, in an automobile or in their home. Far too many have been victimized and these seniors are never the same after such an attack. An intolerable level of crime has existed in Plainfield for quite sometime. There appears to be less criticism of lack of effectiveness of the police than of the criminal justice system.

The indications are that the person's committing most of the crime against the elderly are juveniles and jobless youths. It is recommended, therefore, that there be continued uniform police presence in high crime areas; the continuation of the robbery task force operation with the added assistance of undercover police from the Union County prosecutor's office; that we have greater citizen participation in the neighborhood block watch, in the civilian parole with portable radios, in the Crime Stoppers Program, which offers a cash reward for crime information, and in the police escort service; an assurance that those convicted of a crime against the elderly receive maximum penalty permitted by law; and an increase in the number of police officers.

It is recognized that complex urban societies such as Plainfield are breeding a large number of antisocial children, juveniles, and youths, most of whom will undoubtedly become career criminals, playing on the elderly unless, I say, unless changes are made in our society. Thank you.

Mr. RINALDO. Thank you.

The next witness is Philip Pearlman.

STATEMENT OF PHILIP PEARLMAN

Mr. PEARLMAN. Thank you Congressman Rinaldo, other members of the House Select Committee on Aging, distinguished guests and fellow citizens of New Jersey. I am honored and pleased to be permitted to address the committee on the subject of violent crime against New Jersey's elderly.

It is also gratifying to me personally to continue the long established relationship between your august committee and the Union County Division on Aging. Pete Shields, our recently retired Director, with whom I worked for the past 10 years, took great pride and gained invaluable assistance from his relationship with your committee. I expect to maintain that relationship to the very best of my ability.

John Stamler, the distinguished prosecutor from Union County and the other notable law enforcement officials testifying today can best provide you with information about combatting crime against the elderly. The new tough policy regarding plea bargaining in cases involving crimes against the elderly will be an important tool in this battle.

With the cooperation and assistance of the prosecutor's office and the police departments in the 21 communities of the county, the division on aging has made available pamphlets, film strips and cassettes to help educate our senior citizens on what they can do to help protect themselves against crime. These educational materials were purchased with title III, Older Americans Act funds and represent our direct involvement in the fight against crime affecting the elderly.

However, we are doing other things which are also part of this fight. We believe the fear of crime against the elderly is even more pervasive than crime itself. The fear of crime has caused many seniors to alter their lifestyle; to become less mobile, hence more reclusive and less social. This fear seriously impacts the quality of life for many seniors and we in the division on aging are concerned with that diminished quality of life.

We try to address it by supporting the county-wide para-transit system which is now providing door-to-door transportation for elderly and disabled county residents 6 days a week. We have added another nutrition site bringing our total number to 17 and are seeking greater attendance at all sites. We support four Adult Day Care Programs in the county and encourage seniors to participate in activities at the senior centers located in the county.

These efforts are aimed at encouraging seniors to come out of their homes and enjoy social activities in safe environments using safe transportation. The division feels our role in fighting crime can best be served by improving and expanding those activities and services which improve and expand the quality of life for our senior citizens. Seniors should be part of the mainstream of life. Our law enforcement agencies do an excellent job in trying to stem the activities of criminals preying on the elderly. Our job is to dovetail activities and services which enhance the law enforcement agencies activities and address the issue of fear of crime head on.

Clearly, we as the focal point in the county to plan, implement, and improve services for the elderly must attempt to allay the seniors' fear of crime and seek ways to reverse the trends which erode the quality of life for so many of our elderly citizens. To that end, we plan to continue supporting social services which ameliorate fear of crime. Paratransit, nutrition sites, adult day care programs, and senior centers are still a viable way to encourage seniors to come out of their homes.

As you are well aware, the resources of the Older Americans Act cannot be the sole answer to solving all the problems of all the elderly. We do what we can with what we have to work with. As Congress wrestles with the national budget deficit and seeks ways to come closer to a balanced budget, I hope the problems of the elderly will remain in the forefront. The expanding elderly population, particularly those over 85 will undoubtedly require increased services.

The Union County Division on Aging is constantly seeking ways of getting as much service as possible out of available funds. By coordinating services wherever and whenever possible, we have been able to reduce overlap and fragmentation of service while reducing administrative overhead. We will continue that effort while seeking greater local support for our programs. What we need from Congress is Older Americans Act funding which maintains pace with the expanding population so we can maintain basic services to our growing senior population.

Thank you again for the opportunity to appear here and present this testimony. I am appreciative of our attention, your support and your continuing cooperation.

Mr. RINALDO. Thank you, Mr. Pearlman.

We will now hear from Mr. Richard Fox. We do have an excellent relationship with the Union County Division on Aging and with the other groups in this county. I can assure you that will continue.

STATEMENT OF RICHARD FOX

Mr. Fox. Good morning, Mr. Chairman. I am Richard Fox, executive director of the Housing Authority of Plainfield. Because we house and provide social services to senior citizens, crimes against this segment of society are very important to us. Their well-being and normal functions can drastically—can be drastically affected by violent crimes.

Currently, we house 225 senior citizens at Richmond tours. We also house senior citizens at West End Gardens, Elma Gardens, Netherwood Village and with our section 8 Housing Program. National survey shows older Americans fear crime more than any other serious problem. Not only is theft of only a few dollars a serious setback to someone on limited income, but also physical violence to the elderly generally has more severe consequences in terms of recovery from the attack.

Seniors are part of the system and its problems. In order to protect the general citizenry and senior citizens, the following must be considered. Each city must concentrate its anticrime efforts in its most strategic targets. Police forces must each give up some autonomy——

Mr. HUGHES. Excuse me, Mr. Chairman. I know I speak for myself and I am sure for the rest of my colleagues in saying that I have read the statement. And I wonder if perhaps the witness can summarize, because I know we have planes to catch and——

Mr. FOX. I can do that. Fine.

Mr. HUGHES. Perhaps then we can get into questions, because we have read the statement.

Mr. FOX. OK.

Mr. RINALDO. For the benefit of the people here, we were all given copies of the testimony in advance of the hearing. Members of this committee do do their homework and have read it. Unfortunately, Congressman Mica and Congressman Smith have to get back to Washington and they have the police waiting to make sure they get to the airport on time. But they have to leave momentarily, and Congressman Hughes and I have to be at another meeting

scheduled to start at 1 o'clock, in fact right here. Then we have other commitments.

Mr. Fox. I would be glad to summarize.

Gentlemen, as we enter a new era of fiscal responsibility, there are things that the Congress right now will have to fight for. One of the things they will have to fight for that are very very important to crime and the elderly are buildings such as you are sitting now.

The human habitat, environment and housing are sometimes the line between them and the criminal element in society. Senior citizen housing should have intercom systems. They should at least have senior citizen guards. It should have cable television with monitors. It should have pull cords in the bedrooms, and should have programming. Also senior citizen housing should have managers that can educate the senior citizens so they can be protected.

It is very difficult for this segment of society if they are in senior citizen housing that is located away from where the activity is. There was a question by the congressman about the location and design of senior citizen housing. Senior citizen housing is supposed to be near the services that are provided by the city.

Also were there eyes and ears. That is the first line of monitoring for the general citizenry. You have to be seen to be protected. Of major concern to senior citizens in this country will be that these programs have provided safety to senior citizens are about to be annihilated. The Section 8 Housing Program, the public housing program, the 202 housing program, the Farmers Home Administration Housing Program, this is where people live in the urban society.

This is where the criminal is locked out. If you subject them to the housing stock only for the poorest of the people, they are going to be more vulnerable to crime. So I would ask that you go back to Congress and that you fight for these programs that affect the senior citizens, and that you would try to not allow these very important programs that are so important to them being safe and living in decent sanitary housing, that they not be eliminated.

I would also say we have to form no coalitions and we have to keep up the education of our citizenry and our youth regarding the importance of senior citizens in our everyday society and that youth can also help senior citizens be protected more by the various programs that take a bite out of crime, national crime prevention programs have been fostering.

I want to thank you very much and want to thank the committee for coming to Richmond Towers. We feel it has been very beneficial for the education of the senior citizens here and hopefully for the Congressmen and committee, and I want to thank Mat Rinaldo personally for doing such a good job for us in this district and continuing to represent us so well.

[The prepared statement of Mr. Fox follows:]

PREPARED STATEMENT OF RICHARD D. FOX, EXECUTIVE DIRECTOR, HOUSING AUTHORITY OF PLAINFIELD, NJ

INTRODUCTION

My name is Richard D. Fox. I am the Executive Director of the Housing Authority of Plainfield. Because we house and provide social services to senior citizens, crimes against this segment of society are very important to us. Their well being and normal functions can be drastically affected by violent crimes. Currently we house 225 senior citizens at Richmond Towers. We also house senior citizens at West End Gardens, Elmwood Gardens, Netherwood Village and with our Section 8 existing housing program.

National surveys show that older Americans fear crime more than they worry about any other serious problem. Not only is theft of even a few dollars a serious setback to someone on limited income, but also physical violence to the elderly generally has more severe consequences in terms of recovery from the attack.

CRIME AND THE SYSTEM

Senior citizens are a part of the system and its problems. In order to protect the general citizenry and senior citizens the following must be considered:

1. Each city must concentrate its anti-crime efforts in its most strategic targets.
2. Police forces must each give up some autonomy so that they can be better coordinated than they have been, to get the maximum useful time from each officer.
3. The public must see that in the prime target area, no breach of law is so trivial that it can be ignored.
4. An ethnically diverse citizens committee for a safer city should be established to battle for more penal institutions in proper locations, for bigger police forces, for revisions in sentencing criminals and for greater efficiency in the courts.
5. A sentencing structure that will deter young criminals from becoming career criminals has to be devised and put into effect. Crimes should be punished in relation to the criminal's past record.
6. The criminal court system must be expanded at considerable expense, its procedures simplified, its record-keeping and record-availability brought into the modern world.
7. New incentives must be found to recruit top-notch candidates for police work. The college scholarship inducement is worth a serious try.
8. Public opinion must be influenced to support the heavy costs, in money and relative neglect of other priorities, involved in the fight against criminals and to sway judges to a realistic appraisal of some of their procedural solicitude on behalf of defendents whose guilt is established by evidence whose objective validity no one challenges.
9. The whole population must support the efforts of leaders in the current crime-prone population to strengthen family structure and educate the young in the mores of an urban society, the better to survive and prosper constructively.[1]
10. Tax poor towns should be provided more state and federal revenue so police protection will be adequate in those cities. Quite often those very cities have received indigent persons from other parts of the country. This is not just a local problem but a federal problem.

We must also look beyond the criminal if we wish to prevent crime against the elderly. Is society adequately counseling urban youth to prevent unwanted pregnancies which result in disenfranchised youth who eventually mug senior citizens. Do parents today put themselves first or their children? What is happening to the fabric of American households? Does our society provide enough ladders for upper mobility so urban youth do not rely on crime as their important job? Can we afford to lose the various programs we now have for fiscal expediency? Who will pay the real physical cost? It will be the senior citizens.

The urban violent crime rate is nearly twice that of suburban areas and more than three times that of rural areas.

"Despite the public's fear of crime the average tax payer spends $59 yearly for police protection compared with $147 for highways and $208 for welfare. The average American runs a higher risk of being a victim of violent crime than of being hurt in an auto accident." [2]

[1] Roger Starr, "Crime: How It Destroys," What can be done, p. 19.
[2] U.S. News & World Report, "Crime and Its Victims an Official Look," p. 12.

A December 4, 1983 U.S. Department of Justice study suggests that work release is currently waning. Many prisoners were released after serving one-third of their sentences. "In the last seven years, ten states have abolished parole and 35 have enacted minimum terms for certain crimes." [3]

HOUSING AND THE ENVIRONMENT

Housing and the immediate environment are very important elements in the exposure of senior citizens to criminal activity. Senior citizens should be able to communicate with someone immediately if there is any problem in their housing unit, however, this is often impossible when a senior citizen lives alone or is isolated. The HUD Senior Citizen 202 Program, Section 8 Program and public housing program have provided a safe, decent living environment to many urban indigent senior citizens who otherwise would be exposed to the harsher crime elements of city life. These buildings should be built with intercom systems at the front door for communication with each apartment, cable security television for the entrance ways with monitors in the office and community room and wired to resident television sets so there are always many eyes. Emergency pull cords should be located in both the sleeping area and the bathroom. Also there should be a least paid senior citizen guards who have a sense of purpose and concern about their vital role. The senior citizen building managers should also be knowledgeable of crime prevention techniques such as building captain progams and obtain police community resources to educate the senior citizen on how to evade crime. Since most senior citizens in such buildings encounter criminal activity mostly outside the building while enroute, transportation becomes very important. Most crime incidents our senior's encounter have been while they were walking on the street. Senior citizen buildings should have transportation programs and be located near the downtown area so they are not isolated or invulnerable walking areas. Congregate housing programs can help to provide needed transportation. Unfortunately as this aging segment of our society is growing in proportion to the rest of society the administration is about to stop the aforementioned programs. This will mean we will not be able to shelter the increasing urban elderly from the criminal element. The Congress should put forth its best efforts to halt this assault by the administration on the elderly of America.

THE COURT AND THE ELDERLY

Quite often the court experience the senior crime victim faces is as bad an encounter as the crime.

Often poor health, a faltering memory and fear make senior citizens poor witnesses. One court official has stated that the testimony of senior citizens should be immediately videotaped and admitted as evidence. Waiting three months to a year for trial can affect an elderly persons recall especially if their health is failing. Quite often physical and psychological barriers prevent the elderly victims from becoming witnesses and make it difficult to prosecute those who prey upon them. Police and prosecutors often cannot go forward in many cases because an elderly victim cannot identify the suspect or was afraid to testify. The main problems often confronting the elderly during a trial are fear, deliberate delay by the defense and rigorous cross-examination during trial.

"According to Linda A. Fairstein, Chief of the Sex Crimes Bureau of the Manhattan District Attorney's Office, 10 percent to 20 percent of the victims of sexual crimes prosecuted by her office were 65 or older." [4] However, because of physical disabilities such as failing eyesight these elderly victims make poor witnesses. Judges should be firmer concerning plea bargaining and defense stalling tactics when senior citizens witnesses are involved.

In the rush to solve a crime a victim's humanity is sometimes lost in the shuffle of the court system. The system bends over backward to avoid trampling on the constitutional rights of the accused. He is provided with legal counsel, is advised of his rights throughout the proceedings, is often given free medical care if needed while incarcerated. While the victim sometimes is not even given notice of trial dates or changes in court appearances. Quite often stolen personal goods are retained by the courts for a long period of time. And, often compensation for medical bills or personal property losses are not adequate. Victims are sometimes harrassed and threatened for offering evidence or testimony.

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[3] Ibid.
[4] E.M. Ship, "Fear and Confusion in Court Plaque Elderly Crime Victims," p. 45.

In many states the bureaucratic situation often slows down a crime compensation board so there are long waits for victims compensation.

FEAR OF CRIME BY THE ELDERLY

Statistics actually indicate that the elderly are not victimized more than other age groups, but their fear level is drastically higher. Experts say the reason for such fear is that their age makes resistance to attack less effective and more dangerous than it is for younger persons.

"The prospect of severe and lasting disability from a brief encounter with a purse snatcher is particularly frightening for an older person." [5]

The fear of crime for many senior citizens quite often is as bad as the actual crime itself.

"There have been cases where elderly people have committed suicide out of fear that someone else will take their lives or that their funds will be depleted by a stranger." [6]

"Because of crime seniors living alone will close themselves in and don't enjoy life as they should or how they want to." [7]

"Todays elderly grew up in a time when people were very trusting and honest. People used to leave their doors open at night. And a guy who said he was selling magazines probably was.

They're realizing how that they can't be trusting, but some still are, and they tend to be unsuspecting victims.

For senior citizens the scope of life can become very routine and narrow. One incident of harassment can become the most important thing in their lives." [8]

A Department of Justice study reported in November of 1981 that 70 percent of 900 senior citizens surveyed in two urban area said that they had limited their activities to some extent to reduce the risk of crime.

"Two-thirds of the sample believed there was likelihood they would be robbed while away form home. Twenty-five percent said it would be most likely and 42 percent "somewhat likely." [9]

"Responding to a similar question, 60 percent saw a likelihood that their homes would be burglarized while they were away, 54 percent that they would be beaten while out of their houses and 47 percent that the car or garage would be burglarized while they were away.

"The fear of older people that they are more likely than other people to become victims of crime are not supported by national statistics according the 1981 study commissioned by the Department of Justice. Fear of crime, however, has been found to be greatest among the elderly and to increase with advancing age." [10]

Therefore educational crime programs are very important for the elderly and should be increased.

CRIME AND EDUCATION

The fear level can be reduced through education. The National Crime Prevention Council is one such organization that provides literature and information to local governments and police departments. The take a bite out crime program has attempted to educate the elderly regarding crime however, a larger effort is needed.

Youth-Elderly programs can also help. "Urban and rural youth have conducted hundreds of thousands of operation I.D. campaigns and home security surveys for their older neighbors. Escort programs have been set up in many crime prone areas by kids who regularly accompany senior citizens on errands they would be afraid to do alone. Hundreds of Detroit senior citizens in one high crime area are escorted regularly to the bank and post office by boys and girls club members, who have also done over 1,000 home security and operation I.D. surveys in senior citizens' homes. Houston Law Enforcement Explorers have installed special security locks for their needy elderly neighbors. Muggings against the elderly were so common in the Jones Street neighborhood of Newark, New Jersey, that they feared leaving their homes. But a youth escort service helped change that fear into confidence." [11]

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[5] Jerome Cummings, "Crime and the Elderly," p. 16.
[6] Ibid.
[7] Ibid.
[8] Ibid.
[9] Warren Weaver, Jr., "Fear of Elderly About Crime found Exaggerated," p. 17.
[10] Ibid.
[11] National Crime Prevention Council "Youth & Crime Prevention," p. 20.

There is no one panacea for improving the plight of the elderly regarding crime. However, by working on the obvious problems in our criminal justice system, improving the housing environment, educating the elderly population, upgrading our court system and forging new coalitions to protect the elderly, we can decrease their fear and victimization.

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Mr. RINALDO. I want to thank you, Mr. Fox, for making this facility available, and for the cooperation we have always obtained from you folks. He mentioned about fighting for programs that are essential to the well-being of our seniors. Let me say this: there are no better fighters for the senior citizens of this country than the four people, four members of Congress, in front of you here, and the members of the Select Committee on Aging.

We are a bipartisan group and, believe me, party affiliation is meaningless when it comes to supporting programs that are working, that are effective and are needed. We are going to continue to do that down in Washington. That is why we have the Select Committee on Aging.

I would like to ask Mr. Pearlman a question. Under title III-B of the Older Americans Act, you are authorized to spend funds to help older individuals secure their homes with locks as well as to counsel victims to help them. What have you done in that regard?

Mr. PEARLMAN. We have not had a program developed whereby we have actually gotten into the hardware, so to speak, of making homes more secure. We have had from time to time various counseling programs put in place. As I mentioned, we did buy those cassettes and film strips from AARP to inform citizens as to how they could make their homes more secure.

Mr. RINALDO. Thank very much, Mr. Pearlman.

Congressman Hughes.

Mr. HUGHES. I have no questions, Mr. Chairman. I just want to congratulate the panel on an excellent statement. The towers is just beautiful, and I think you are quite right, Mr. Fox. It is extremely important we preserve programs such as this. Thank you.

Mr. RINALDO. I want to thank the final panel. We certainly appreciate your testimony and indulgence in waiting to testify. I think Congressman Smith has a question before he runs off.

Mr. SMITH. Just a comment, Mr. Chairman.

I, again, want to commend you for these hearings, and I think the point you made just a moment ago about concern for the elderly being bipartisan must be emphasized. We are committed to the needs of the elderly and, Mr. Fox, you indicated rightfully so that we have got to unite and stop the cuts in section 202, section 8 as proposed, and the Farmers Home Loan. I suspect we will undo these recommendations and not go forward with those recommendations to zero out these programs. I am like you, very concerned about that.

Mr. FOX. Thank you.

Mr. SMITH. Thank you for your fine statement.

Mr. RINALDO. Thank you again. I want to thank all our audience. You have been very cooperative and extremely helpful. We assure you that we will have another hearing in Washington and follow up on this problem so that, as I said at the outset, hopefully we can come back here in Plainfield and everybody who wants to walk the streets can do so without any fear whatsoever.

I might also mention, this is important, that if any of you want to write any type of statement to be included in the record, if you would send it to me in Washington, I assure you it will be included in the record so every member of the committee who receives a copy of the record will have an opportunity to read your statement. Thanks again.

[Whereupon, at 1:05 p.m., the hearing was adjourned.]

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APPENDIX

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Chairman of the Illinois, I suggest that the Select Committee Consider the need for a subcommittee to explore possibly early intervention of the criminal justice system with some of the more hyperactive and the social scientists who devote attention to deviant behavior. Obviously, the first problem facing us is to determine the accuracy of the fact that persons such as Ramirez, appear to be continually breeding anti-social children who grow up to become juvenile delinquents and young men and boys, in definitive jeopardy on the streets of the nation. Since the answers of this question are not available in depth in the select committee hearings, I am attaching a supplementary testimony to that effect by Miss Ida Lambert of Peoria. This testimony is a succinct account of the failure and lack of a unified approach by the various agencies which responsible for juvenile and youthful criminal activity is essential. Perhaps most effective solutions can be implemented.

Sincerely,

Elmer R. Gross

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Senior citizen, boy mugging victims

PLAINFIELD — A senior citizen and a boy were mugging victims this week-end. Neither was injured in the attacks that occurred on sidewalks near their homes.

[illegible] B. Gaveta, 74, of [illegible] St., said two boys ran from behind her, shoved her down and fled with her purse, containing $5, at 5:20 p.m.

Richard Richie, 13, of 641 Roosevelt Ave. said two persons, both wearing ski masks, grabbed him around the throat at 7:20 p.m. and took his wallet from his pocket. After thumbing through it and finding no money, they fled on foot.

Mugger injures woman

PLAINFIELD — Dorothy Reed of 429 W. Sixth St. suffered minor injuries when she fell to the pavement after her purse was snatched by a man who ran from behind her at W. Seventh Street and Field Avenue at 9:30 p.m. yesterday. There was no money in her purse.

Robbed of $22

PLAINFIELD — Helen D. Conway of Leland Gardens reported last night she was returning home with groceries when she was knocked down by two men who fled with her purse, containing $22.

Robbed of $70

PLAINFIELD — Kevin Farrell of 516 Retiriel St., South Plainfield, reported he was robbed at knifepoint of $70 by a man who approached him as he walked in Arlington Avenue near W. Eighth Street shortly before 1 p.m. yesterday.

Pedestrians robbed

PLAINFIELD — A purse containing $8 and a wallet with no money in it were reported taken by force from pedestrians last night.

Giuseppe Minervini of 410 E. Sixth St. reported he got out of his car near his home shortly after 10 p.m. when a man grabbed him from behind, took his empty wallet and ran to a waiting car.

Charlotte Pierre of 1340 George St. told police she was walking near the intersection of E. Third Street and Sumner Avenue when a man wearing a ski mask grabbed her purse, containing some $4 and fled on foot.

Elderly woman mugged, robbed by youngsters

PLAINFIELD — An elderly city woman reported yesterday she was beaten and robbed by two young children in one of two purse snatch incidents under investigation by police.

Ruth Finn, 73, of 802 Madison Ave., said she was at the corner of W. Seventh Street and Madison Avenue yesterday at 2 p.m. when a young boy, about 12 years old, punched her in the left eye while an accomplice, about seven years old, grabbed her purse containing $3.

Ruth Abrens of 318 W. Seventh St. reported she was at the rear of her property yesterday afternoon when a man grabbed her pocketbook containing $40 and fled.

Robbed of $150

PLAINFIELD — Mrs. Esther Lemmon of 1601 E. Front St. reported she was walking home from a bus stop last night when a young man grabbed her pocketbook containing $150 and fled on foot.

Man mugged

PLAINFIELD — Fred [illegible] M. Brown, 73, of 130 W. Seventh St., was robbed by two men who asked into the foyer of his apartment building while he was waiting for a ride from a friend Wednesday night. Police said that after the men pushed him around, he handed them a wallet containing an undetermined amount of cash.

Man, 86, robbed of $12

PLAINFIELD — Otto Geisler, 86, of 300 W. Seventh St., reported yesterday he was waiting for an elevator in the first-floor lobby of the building at 2 p.m. when he was grabbed from behind by a man who removed his wallet, took $12 cash, and fled on foot.

Boro man mugged, robbed in city

PLAINFIELD — Joseph Armani, 63, of 90 Jackson Ave., North Plainfield, is reported in satisfactory condition in Muhlenberg Hospital with a head wound suffered while he was robbed early yesterday morning.

North Plainfield Patrolman William Pear notified city police upon discovering the victim lying in the parking lot behind 169 E. Front St., bleeding from the head and semi-conscious.

Police said two young men are being held for investigation in connection with the robbery.

Police Sgt. Donald Nagy reported seeing the two men walking in the area moments before hearing a report of the mugging on his radio.

They were stopped by police and charged with failing to give a good account of themselves. Police said Armani's empty wallet was found near the scene, as were torn identification cards taken from the wallet.

Armani was unable, when questioned by police shortly after the incident, to tell how much money was in the wallet.

Elderly man robbed in foyer of apartment

PLAINFIELD — An elderly Summit man was robbed of $12 yesterday in the foyer of an apartment building where he was going to visit a business client.

Theodore Sisers, 78, of 168 New England Ave., told police two men followed him into 1001 E. Front St. and demanded his money. He said they took the money from his wallet, then fled on foot.

Change of heart in the Queen City

I am now recovering from a mugging. Yes, I've been mugged in our lovely Queen city of Plainfield, by a "disadvantaged" youth, in broad daylight — bag ripped from my shoulder and thrown to the ground.

As a civil libertarian all my life, I've always looked for root causes and sought humanistic panaceas, but the horrendous assault on my person has finally jolted me into reality.

Dare we look for the arsonist when our house is on fire — or do we extinguish the flames? How much longer do we squander federal funds on "crime-prevention-self-protection" programs, which teach old ladies how to practice karate and advise us how to convert our homes into fortresses and prisons? How much longer do we reward criminal behavior by not holding criminals personally responsible for their heinous acts? How long are we willing to wait in order to put "teeth" into our laws and provide institutions to isolate these outlaw elements, so that the civil liberties of the average person like myself are protected? What about my right to life, liberty and the pursuit of happiness?

A society that does not hold its citizens accountable for its crimes is not a viable one and is doomed to decay. When will we be able to walk our streets again, unafraid, rather than remain cringing in our homes like animals in a jungle eluding the beasts of prey?

MRS. ROSE OROSCIUK
Plainfield

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Crime Against the Elderly

Experts in the area of elderly victimization tell us that older persons have varying degrees of concern about crime. Some make important changes in lifestyle and even deprive themselves because of fear. Others worry needlessly about being victims, even when there is a statistically low probability that anything will ever happen.

Street crimes such as mugging, holdup (when a weapon is used) and purse snatch are usually of particular concern to the older person.

You should know that the street criminal is an opportunist looking for an easy mark. And everything you do to make it difficult for him to strike, reduces your chances of being a victim. You don't have to change your lifestyle or live in fear. But you should be "prevention conscious." Use caution and common sense.

When you go out

- Try to arrange to have a companion with you when walking.
- Plan your route in advance and be sure to use well lit streets if you must go out at night.
- Walk on the curbside away from buildings where an assailant could conceal himself.
- Older women are often the victims of purse snatch. Our best advice is don't carry a purse if you can avoid it.
- If you must carry a purse, hold it close to

49-465 O—85——4

And make your home sound and appear occupied when you go out by using an automatic timer to turn on lights and a radio, and asking a neighbor to keep an eye on things when you go on a trip.

Further details on residential security are contained in a booklet entitled, "**Residential Burglary: Your Role In Prevention**" available from your local police department.

If you have taken precautions to make your home a bad bet for the burglar, you've made it tough on other types of intruders as well. Remember this: more serious crimes like rape and aggravated assault often occur when a burglar enters and finds an older woman alone.

Practice these habits when you're at home.

- Always keep your doors locked. Have a peephole in the door so you can see callers without opening it. And don't rely on security chains. They can be broken easily by a determined assailant.
- Never let a stranger in. Insist on proper identification. If he can't show it or you're still suspicious, call whoever it is he represents for verification.
- If a stranger asks to use the phone, don't let him in. Instead, offer to place the call for him.
- Never give out information over the phone indicating when you will or won't be home. And don't let a caller know you're home alone.

your body with a hand on the clasp. Don't dangle it.

- If you have an armful of packages, tuck your purse in between the packages and your body.
- Don't carry or flash large sums of cash.
- Never leave a purse on a store counter or sitting on the floor of a restroom.
- Be on the alert for suspicious-looking persons when you enter a public restroom.
- When using the bus or other public transportation, sit near the driver if there aren't many passengers.
- If a friend takes you home, or you take a taxi, ask the driver to wait until you are safely inside before leaving.
- Have your keys ready so you can get in the door with a minimum of fuss.

What if you are attacked?

If you develop good security habits, chances are slim that you will ever meet up with a street criminal. But if you are held up, don't resist. Give the criminal what he wants and try to get a good description for police. Never try to fight unless you are attacked. If you are attacked by an unarmed assailant, scream, call for help, kick, bite, struggle . . . anything that will help you break away to safety.

Your home

Residential burglary is a serious problem everywhere. But since it's mostly a crime of opportunity, you can discourage the average burglar by making your home a tough target.

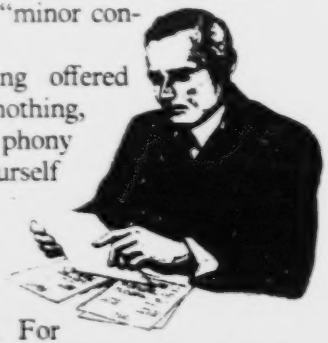
Use deadbolt locks on all exterior doors. Protect windows and other potential points of entry with good locks or other security devices. Keep the premises well lit at night.

- Make sure you have a lock on your bedroom door.
- Consider installing a phone in the bedroom, since it enables you to call for help if you wake up and hear an intruder.
- Be sure your outside house number is displayed prominently so that it can be seen easily from the street by police responding to your call for assistance.

Fraud . . . The Con Game

According to the American Association of Retired Persons, older citizens are victims of fraudulent schemes far out of proportion to their population numbers. Con artists are slick, so you've got to keep your guard up. Be skeptical.

- Be aware of what people are saying. Don't be rushed into any deal.
- Know what you are signing. Carefully read all "receipts" or "minor contracts."
- If you are being offered something for nothing, it's usually a phony deal. Allow yourself time to check things out.
- Stay away from secret deals and plans. For example, there's a "Bank Examiner" scheme where a phony bank examiner tells you he's investigating a dishonest teller and wants you to help by withdrawing money from your account to use as a test. Don't fall for it.
- Never turn over any sizable amount of cash to anyone, especially strangers offering to help you "get rich quick."



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Community Crime Prevention and the Elderly

You the Senior Citizen are one of your police departments most valuable resources. By your getting involved in such activities as Neighborhood Watch. Senior Reassurance anc Operation Identification you are helping your friends and neighbors make a safe community. If you want information on any of the above topics or you want further information about crimes mentioned in this pamphlet contact your police department or its Crime Prevention Officer anytime.

NEW JERSEY
CRIME
WATCH

Printed Courtesy of: State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF LOCAL GOVERNMENT SERVICES
In Cooperation With
NEW JERSEY CRIME PREVENTION OFFICERS ASS'N.

HELP FOR CRIME VICTIMS

STATE OF
NEW JERSEY

**VIOLENT CRIMES
COMPENSATION BOARD**

DEPARTMENT OF
LAW AND PUBLIC SAFETY

VICTIM/WITNESS HOTLINE
(800) 242-0804

1 VIOLENT CRIMES COMPENSATION BOARD

Have you been an innocent victim of crime?

If so, you could be entitled to compensation. Compensation for losses due to injuries is available to eligible victims of crime through the NEW JERSEY VIOLENT CRIMES COMPENSATION BOARD.

2 ELIGIBILITY

- You must be a victim of a crime who has sustained personal injuries, or
- You must be a surviving spouse or child of a victim of a crime who died as a direct result of such crime, or
- You must be any other relative dependent for support upon a victim of a crime who died as a direct result of such crime, or
- You must be a person who is injured while trying to prevent a crime or while assisting a police officer in making an arrest.

NOTE: If claimant is a minor, claim may be signed by his parent or guardian.

3 CONSIDERATION

Violent crime victims seeking compensation must meet the following criteria:

- Claim must be filed within 2 years after the date of the personal injury or death, or after 2 years if the Board determines that good cause existed for the delayed filing.

- The crime must be reported to the police within 3 months after its occurrence.
- The victim must have at least $100 in out-of-pocket medical expenses unreimbursable from other sources, or at least two continuous weeks lost earnings. This requirement does not apply to senior citizen applicants 60 years of age or older, or to any applicant who is disabled.
- Stolen or damaged property is not compensable.

NOTE: Victims may *not* be entitled to an award if they contributed to their injuries, or provoked the incident. If the victim is the person responsible for the crime or an accomplice of such person, he is *not* eligible to receive an award.

4 COMPENSATION BENEFITS

- Medical costs and wage losses may be compensable. ($10,000 maximum for crimes committed on or before 12/6/82. $25,000 maximum for crimes committed after 12/6/82.) Monies paid to you from, or on behalf of, the person who committed the crime, or under any insurance programs mandated by the law, or from public funds, or private insurance companies will be taken into consideration in determining your award.
- **EMERGENCY AWARDS**
  You may be eligible for emergency financial assistance if, as a result of the crime, lack of funds cause an undue hardship. Inability to buy food, make rent payments, or to secure medical treatment because of a financial hardship should be called to the attention of the Board.
- **COUNSELING SERVICES**
  The Board provides, at no charge, counseling services to minimize the negative emotional consequences and physical inconvenience caused by criminal injuries to innocent victims.
- You have the right to be represented before the Board by an attorney, at no cost to you.
- A statewide, toll-free Hot Line has been set up to provide crisis aid information and referral to victim advocacy programs and community resources. Call 24 hours: (800) 242-0804; (Personal assistance 9-5 p.m.).

5 PROCESSING YOUR CLAIM

The following verifications and processes of your claim have been established by the State of New Jersey in conjunction with the Violent Crimes Compensation Board to assure maximum compensation to eligible victims of crime.

- The information in your application for benefits will be verified by the Board. As part of the verification you may be requested to undergo an impartial medical evaluation by a doctor chosen by the Board and at the Board's expense.
- After the investigation has been completed, you will receive a written summary of the information which has been verified.
- The summary will include either a recommendation to the Board as to what amounts should be awarded or a recommendation that the claim be denied and the reasons for such denial.
- You will have 20 days from the date of your receipt of this recommendation to advise the Board, in writing, whether you accept or reject the recommendation. If you do not accept the recommendation you are legally entitled to a hearing before the Board. You may request a hearing in writing, which should also set forth your reasons. At the hearing you will be given an opportunity to submit proofs in support of your claim.

6 FILING A CLAIM

Answer all questions, sign the attached claim form and mail to:

VIOLENT CRIMES COMPENSATION BOARD
CN 084
TRENTON, NEW JERSEY 08625

For emergency information call the toll-free number 800-242-0804.

For additional information call 201-648-2107.

CLAIM APPLICATION

VIOLENT CRIMES COMPENSATION BOARD

Claimant's Name _____

Claimant's Soc. Sec. # _____ Date of Birth _____

Claimant's Address _____
(No.) (Street)

_____
(City) (State) (County)

Telephone (Home) _____ (Business) _____
(Area Code) (No.) (Area Code) (No.)

Type of Claim: Check One Personal Injury _____ Death _____

Date of Incident _____

Where Incident Occurred _____
(Street) (City)

_____
(County) (State)

To Which Police Department Reported _____

Date _____

Central Complaint Number _____

Brief Description of Incident _____

_____

_____

Brief Description of Injuries _____

_____

_____

_____
Claimant's Signature

DO NOT WRITE IN THIS SPACE

Date Request Received _____ Claim Form Mailed _____

DETACH HERE

CLAIM APPLICATION

VIOLENT CRIMES COMPENSATION BOARD

You will be asked to enter into a subrogation agreement with the State and to execute an authorization for the Board to verify information in your claim.

Your claim will be investigated, whether or not the alleged criminal is identified, or whether or not any person is prosecuted or convicted of the offense giving rise to your claim.

Claimants have the right to be represented before the Board at all stages of proceedings by an Attorney at Law duly licensed to practice in the State of New Jersey. Attorney fees allowed by the Board will be paid by the Board at no cost to the claimant.

NOTICE

CLAIMS MUST BE FILED WITHIN TWO YEARS AFTER THE DATE OF THE PERSONAL INJURY OR DEATH. Claims filed after two years will only be considered upon determination by the Board that good cause exists for the delayed filing.

FOLD HERE

FROM _____

_____

_____

PLACE STAMP HERE

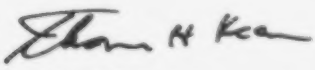
TO:

VIOLENT CRIMES COMPENSATION BOARD
CN 084
TRENTON, NEW JERSEY 08625

The New Jersey Violent Crimes Compensation Board was created as a humane response to human needs. Its work has fulfilled that mission in the highest and most professional fashion.

The innocent who suffer physical and emotional harm from the violent acts of others have a place to turn for help. The thousands of claims filed and the sums disbursed are clear evidence that the help so desperately needed is being offered.

All of us in New Jersey can take pride in the compensation program and its success. It is an outstanding example of the compassion and caring of which government is capable.

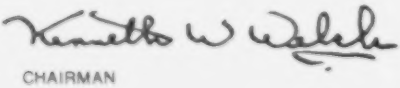


GOVERNOR

The Violent Crimes Compensation Board exists to assist victims of crime who have suffered personal injuries. In qualified cases, innocent victims can receive compensation for nonreimbursable medical expenses or for the loss of earnings incurred as a result of their injuries.

This year, New Jersey took steps to ensure that criminals will no longer profit from the sale of a book or movie which reenacts their crime. This "Son of Sam" legislation ensures that proceeds from the sale of these materials will be collected and distributed by the Board to victims of the related incidence. The dedication of the Board is through the belief that "Victim Assistance is Crime Prevention Too."

Requests for assistance can be made by filing out the claim application and mailing to the Violent Crimes Compensation Board.



CHAIRMAN

VIOLENT CRIMES COMPENSATION BOARD

CHAIRMAN

Commissioner Kenneth W. Welch ..... Livingston

MEMBERS OF THE BOARD

Commissioner Thomas A. Kaczmarek ..... Clark
Commissioner John Koribanics, Esq ..... Clifton
Commissioner John F. Monica, Esq ..... Orange
Commissioner Jacob C. Toporek, Esq ..... Scotch Plains

STATE OF NEW JERSEY

VIOLENT CRIMES COMPENSATION BOARD

DEPARTMENT OF LAW AND PUBLIC SAFETY

CN 084
TRENTON, NJ 08625

TO:

_____

_____

_____

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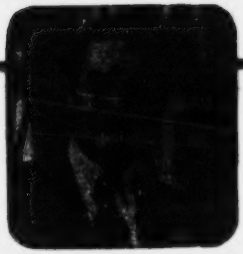
HELP FOR CRIME VICTIMS

New Jersey Cares!

THOMAS H. KEAN
Governor

IRWIN I. KIMMELMAN
Attorney General

DONALD R. BELSOLE
Director, Division of Criminal Justice



Message from the Governor

Dear Fellow Citizen:

Crime victims and witnesses are important people. To a large extent, the effectiveness of the criminal justice system depends upon their cooperation and assistance.

Those of us in government have an obligation to ensure that crime victims and witnesses receive the compassion, dignity and justice they deserve. The State of New Jersey is committed to addressing the needs of crime victims and witnesses and to reducing the impact that crime and the resulting involvement in the criminal justice process have upon their lives.

This pamphlet has been prepared for the purpose of creating a better understanding of the rights of crime victims and witnesses, the nature of our criminal justice system, and the services that are available to provide assistance. Every citizen should be concerned about the treatment of crime victims and the services that are available, because these services may, unfortunately, be needed by any one of us at any time.

Very truly yours,

THOMAS H. KEAN
Governor of New Jersey

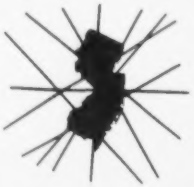
Crime Victim's Bill of Rights

Crime victims are entitled to certain basic rights. All of us should actively support persons victimized by crime by promoting the following rights:

- *To be treated with dignity and compassion.*
- *To be informed about the criminal justice system.*
- *To be free from intimidation.*
- *To have inconveniences associated with participation in the criminal justice process minimized or eliminated where possible.*
- *To be notified in advance if presence in court is not needed.*
- *To be informed about available remedies, financial assistance and social services.*
- *To be compensated for losses whenever possible through restitution and through compensation available from the Violent Crimes Compensation Board.*
- *To be provided a secure waiting area during court proceedings.*
- *To be advised of case progress and final disposition.*
- *To the prompt return of property when no longer needed as evidence.*

SERVICES FOR CRIME VICTIMS

Victim/Witness Hotline



A statewide, toll-free hotline is available to provide information and referrals to victim advocacy programs, community resources and criminal justice agencies. Call:

800-242-0804

Violent Crimes Compensation Board

Compensation for losses due to injuries is available to eligible victims of violent crime through the New Jersey Violent Crimes Compensation Board. In the case of the death of the victim, payment may be ordered to or for the benefit of the dependents of the deceased victim. Persons who are injured while trying to prevent a crime or while assisting a police officer in making an arrest also may be eligible for compensation.

Violent crime victims or dependents seeking compensation must meet the following criteria:

- The claim must be filed within 2 years after the date of the personal injury or death, unless the Board determines that good cause existed for the delayed filing.
- The crime must be reported to the police within 3 months after its occurrence.
- Victims may not be entitled to an award if they contributed to their injuries or provoked the incident. If the victim is the person responsible for the crime or an accomplice of such person, he or she is not eligible to receive an award.
- The victim must have at least $100 in out-of-pocket medical expenses unreimbursable from other sources, or at least two continuous weeks of lost earnings. This requirement does not apply to senior citizen applicants 60 years of age or older, or to any applicant who is disabled.
- Victims who are injured or killed by relatives or by persons with whom they live may be eligible for compensation if the victim is not presently living in the same household as the offender, or the victim cooperates in the prosecution of the offender.

EMERGENCY AWARDS

Applicants may be eligible for emergency financial assistance if, as a result of the crime, lack of funds cause an undue hardship. Inability to buy food, make rent or other payments, or to secure medical treatment because of a financial hardship should be called to the attention of the Board. One or more emergency awards of up to $500 each, not to exceed a total of $1500, can be made while applications are pending.

IMPORTANT INFORMATION FOR INNOCENT VICTIMS OF CRIME

1. You may file for compensation ($25,000 maximum) for medical costs and wage losses. In the case of the death of the victim, funeral expenses of up to $2,000 may be paid by the State.
2. You may be eligible for emergency financial assistance.
3. You may request free counseling services if you are having difficulty coping with problems resulting from the crime.
4. You have the right to be represented before the Board by an attorney, at no cost to you.

COUNSELING SERVICE

The Violent Crimes Compensation Board provides, at no charge, counseling services to crime victims. This service is offered to minimize the negative emotional consequences and physical inconveniences caused by a criminal attack.

If you are having difficulty coping with problems resulting from a crime, the Violent Crimes Compensation Board will provide assistance to include information and advice on filing a claim with the Board, emergency funds and clothing, employment opportunities, referrals to other social service agencies, and the obtaining of legal advice or representation.

Information and applications are available at police headquarters, your county prosecutor's office or your local hospital. Or write:

Commissioner Kenneth W. Welch, Chairman
VIOLENT CRIMES COMPENSATION BOARD
60 Park Place
Newark, New Jersey 07102
201-648-2107

Crime Prevention

Preventing crime means preventing victims. Crime prevention efforts work best when everyone takes responsibility for being on the lookout for crime.

New Jersey's law enforcement agencies take crime prevention seriously. Neighborhood watch programs, home and business security surveys, operation identification and other effective crime prevention efforts are provided in many communities across the State.

For more information about how to avoid becoming a crime victim or being victimized again, and on how to prevent crime in your neighborhood, contact:

NEW JERSEY CRIME WATCH

- Your local police department
- N.J. Crime Prevention Officers Association
  P.O. Box 464, Madison, N.J. 07940
- N.J. Department of Community Affairs
  Crime Prevention Specialist
  383 W. State St.
  CN 800
  Trenton, N.J. 08625
  609-292-6110

Federal Crime Insurance

Residential and business crime insurance is available from the federal government to cover losses resulting from robbery and burglary. For more information contact your insurance broker or agent or phone toll-free 800-638-8780 or write the Federal Crime Insurance Program, P.O. Box 41033, Bethesda, Md. 20814-0436.

Restitution for Victims

New Jersey's criminal laws are designed to encourage restitution to victims for losses resulting from crime. No longer are judges forced to choose between ordering an offender to make restitution to the victim and imposing any other possible sentence. The New Jersey penal code allows for restitution as a separate sentence or in combination with other sentencing alternatives, such as incarceration, fine, probation or suspended sentence. Restitution can also be ordered as a condition of parole or as a condition of pre-trial diversion.

By law, the amount of restitution ordered cannot exceed the victim's loss. The offender's ability to pay is also a factor to be considered; however, offenders can be ordered to pay in installments. Payments are not made directly to the victim but are collected by a governmental agency, usually the probation office.

If you have been the victim of a crime and feel you are entitled to restitution from the defendant, advise the deputy attorney general, assistant prosecutor, probation officer or the judge responsible for your case.

Victim Impact Statements

Opportunities for victims to have input into the criminal justice process are expanding. Victims of serious crimes in New Jersey now have a right to make a statement about the impact of the crime on their lives and on their families. This statement is considered by the judge prior to sentencing the defendant.

As a victim, you also have the right to be present at the sentencing hearing and to know what sentence was imposed.

Certain victims may also have a right to make a statement about the effects of the crime when the offender is being considered for release from prison.

If you have been the victim of a crime for which a defendant has been charged and want to make sure that if he or she is convicted, the court is informed about any harm or financial loss that you suffered as a result of the crime, contact your local probation office or prosecutor's office.

Domestic Violence Victims

New Jersey has a new law to deal with domestic violence, *N.J.S.* 2C:25-1 *et seq.* The intent of this law is to protect domestic violence victims, promote stronger enforcement efforts and ensure greater access to the courts for victims. In addition to seeking criminal prosecution, victims may now seek emergency civil relief, to include temporary restraining orders.

Under the law, domestic violence victims are afforded certain rights.

YOUR RIGHTS

"You have the right to go to the family court (juvenile and domestic relations court) and file a complaint requesting relief including but not limited to the following: an order restraining your attacker from abusing you or directing your attacker to leave your household. You may request that the clerk of the court assist you in applying for this order. You also have the right to go to court and file a criminal complaint."

"On weekends, holidays and other times when the courts are closed, you may go to the municipal court for an emergency order granting the relief set forth above."

Upon the hearing of a domestic violence complaint, the court may prohibit the abuser from having contact with the victim or victim's relatives, grant possession of the home to the victim, order the abuser to compensate the victim, or require the abuser to undergo counseling.

Emergency shelter programs for domestic violence victims are available in most counties. Counseling, legal advice, referrals, information and advocacy are also available from shelters and other community programs to assist victims of domestic violence. For information and help in finding help, contact:

Women's Referral Central **(800) 322-8092**
24-hour, toll-free referral source

New Jersey Division on Women **(609) 292-8840**

VICTIM/WITNESS SERVICES IN COUNTY PROSECUTORS' OFFICES

County Prosecutors' Offices in New Jersey are interested in making sure that crime victims and witnesses receive the services they may need and that the inconveniences associated with participating in the criminal process as a witness are kept to a minimum.

Many prosecutors' offices have victim/witness units or advocates responsible for attending to the needs of victims and witnesses. Some of the services which your County Prosecutor's Office may provide include:

- Information about the criminal justice system and your role in the criminal case process
- Notice of any progress and final disposition of your case
- Referrals to social service agencies that are available to assist you
- Assistance in applying for compensation from the Violent Crimes Compensation Board
- Separate waiting area for prosecution witnesses
- Assistance in seeking return of property when no longer needed as evidence
- Assistance in arranging for transportation or child care during court appearance when necessary
- Escort to courtroom when necessary
- Advance notice if your presence is not needed in court or if your case has been postponed or adjourned
- Assistance in obtaining witness fee

County Prosecutors' Offices

Atlantic County
19th Avenue at Route #40
Vocational School Complex
Mays Landing, NJ 08330
609-625-7000

Bergen County
215 Court House
Hackensack, NJ 07601
201-646-2300

Burlington County
County Office Bldg.
49 Rancocas Rd.
Mount Holly, NJ 08060
609-261-5035

Camden County
Parkade Bldg.
518 Market St.
Camden, NJ 08101
609-757-8485

Cape May County
Court House
Cape May Court House, NJ 08210
609-465-7111

Cumberland County
324 Court House
CN 01
Bridgeton, NJ 08302
609-451-8000

Essex County
County Courts Bldg.
Newark, NJ 07102
201-961-7470

Gloucester County
Court House Annex
Woodbury, NJ 08096
609-845-1600

Hudson County
Administration Bldg.
595 Newark Ave.
Jersey City, NJ 07306
201-795-6405

Hunterdon County
8 Court St.
Flemington, NJ 08822
201-782-1129

Mercer County
Court House
P.O. Box 8068
Trenton, NJ 08650
609-989-6350

Middlesex County
Administration Bldg.
P.O. Box 71
New Brunswick, NJ 08903
201-745-3300

Monmouth County
Court House
Freehold, NJ 07728
201-431-7160

Morris County
Court House
Morristown, NJ 07960
201-285-6401

Ocean County
Court House
CN 2191
Toms River, NJ 08753
201-929-2027

Passaic County
Court House
Paterson, NJ 07505
201-881-4800

Salem County
Court House
Salem, NJ 08079
609-935-7510

Somerset County
Administration Bldg.
Somerville, NJ 08876
201-231-7100

Sussex County
4 High St.
Newton, NJ 07860
201-383-1570

Union County
Administration Bldg.
Elizabeth, NJ 07207
201-527-4500

Warren County
Court House
Belvidere, NJ 07823
201-475-5361

ON BEING A WITNESS:

As a witness, your assistance is vital to our system of criminal justice. No crime can be solved without the help of witnesses.

It is your duty as a witness to give your testimony when needed. While it may not always be convenient for you to come to court to testify, please keep in mind that some day you may be a victim or a defendant and your own case may depend on the willingness of someone to come forward and tell what she/he knows.

As your case is being prepared for trial, it may be necessary for the prosecutor's office to contact you. It is important to keep the prosecutor's office informed of your current address and telephone number. If you move or go away on vacation, be sure to let them know.

If you receive a subpoena to appear in court, you are required by law to attend. It may be possible for the prosecutor's office to place you on call, so that unnecessary trips to the courthouse can be avoided. Contact the prosecutor's office immediately if you receive a subpoena or have any questions concerning your role as a witness.

COURTROOM PROCEEDINGS

One of the fundamental rules in a criminal case is that both the prosecution and defense have an opportunity to question the witness. There are specific rules of evidence which must be followed by the court. At times, these rules may seem unnecessary or frustrating but they are directed toward one goal—to determine the truth in the case. Some guidelines for you to remember:

Guidelines for Witnesses in Criminal Trials

1. Prior to testifying, try to prepare yourself by recalling the incident in your mind, but do not memorize your testimony.
2. You are sworn to tell the truth. Tell it—by answering accurately about what you know.
3. Listen carefully to the questions asked and think before speaking. If you do not understand the question, ask that it be repeated or explained.

4. Speak clearly and loudly.
5. Answer only the question asked, directly and simply. Do not volunteer information.
6. Do not guess or speculate. If you do not know the answer, be sure to say so. If you give an estimate, make sure everyone understands you are estimating.
7. Do not answer if there is an objection.
8. Do not lose your temper. Upon cross-examination, remain calm and composed.
9. Always be courteous, even if the attorney questioning you appears to be discourteous. Being polite makes a good impression on the court and jury. Do not try to be "smart" or evasive.
10. Be serious in and around the courtroom. Avoid joking.
11. Neat appearance and proper dress are important.
12. Leave the stand with confidence, knowing that you have presented the truth to the best of your ability.

February 19, 1985

STATEMENT ---- CRIME ON THE ELDERLY

My name is Joseph E. Mastriani. I am a commissioner of the New Jersey State Commission on Aging and chairman of its Task Force of Legislative Concerns. I reside at 29 Dogwood Drive, Spring Lake Heights, New Jersey 07762.

Mr. Chairman, a few years ago a handbook, "EFFECTIVE RESPONSES TO THE CRIME PROBLEM OF OLDER AMERICANS", was supported by cooperative agreement (No. 90-AT-0024-01N02) from the Administration on Aging, Department of Health and Human Services, to the National Council of Senior Citizens.

The goal and objective of the handbook is to educate the readers to recognize and respond to the crime-related needs of Older Americans. The book provides facts about serious crime problems affecting the elderly, those countermeasures which work best and the basic skills to provide anti-crime services to the elderly.

A tremendous of time and research went into this handbook, printed at government expense, which included chapters on A Sketch of Older Americans; Patterns of Crime Against the Elderly; Fears of Crime and Its Consequences; Introduction to Crime Prevention and Victim Assistance; Preventing Street Crimes Against the Elderly; Preventing Residential Crime Against the Elders; etc.

It seems to me that with all of the research that is available from this book, we ought to be able to do the job of protecting our elderly citizens from violent crimes. It will take involvement of the total community to get this job accomplished. Thank you.

Joseph E. Mastriani

P.S. Unfortunately, a copy of above book is not within reach at this time. Perhaps, Congressman Rinaldo can use the power of his office to obtain same for reproduction.

Senior Citizens of Manville, Inc.

BOROUGH HALL
101 South Main Street
Manville, New Jersey 08835

JANUARY 25, 1985

CONGRESSMAN MATTHEW J. RINALDO
RANKING MINORITY MEMBER
SELECT COMMITTEE ON AGING
WASHINGTON, D. C. 20515

DEAR CONGRESSMAN RINALDO:

I APPRECIATE AND THANK YOU FOR THE OPPORTUNITY TO RESPOND TO YOUR INVITATION, RELATIVE TO: VIOLENT CRIME AGAINST NEW JERSEY'S ELDERLY. I HEREIN SUBMIT MY BRIEF ON THIS TOPIC.

STATISTICS QUOTED RECENTLY ON A FEDERAL LEVEL AND IN SOME ISOLATED AREAS OF OUR GREAT COUNTRY, SUPPOSEDLY INDICATE A SLIGHT REDUCTION IN CRIME AND CRIME AGAINST THE ELDERLY. AS MANY KNOW, CRIME, ESPECIALLY AGAINST THE "EASY HIT TARGETS" ELDERLY, HAS BEEN RAMPANT. ONE CRIME COMMITTED AGAINST THE ELDERLY, IS ONE CRIME TOO MANY.

IT IS A SHAME AND DISGRACEFUL, THAT SO MANY OF THE ELDERLY -- THE GENERATION THAT DID SO MUCH TO BUILD OUR COMMUNITIES, STATES AND COUNTRY, ARE VIRTUAL CAPTIVES IN THEIR OWN HOME. THOSE WHO VENTURE OUT FOR DAILY NECESSITIES ARE READY VICTIMS FOR THE EVER PRESENT CRIMINAL. MANY HAVE BEEN MURDERED, MAIMED AND RENDERED INCAPACITATED. FEW OF THE ELDERLY, IF ANY, GET AWAY TO A FAVORITE ACTIVITY, THEY ENJOYED IN THE PAST DURING EVENING HOURS. THEY FEAR FOR THEIR LIVES.

OUR SENIOR CITIZEN ORGANIZATION, THREE YEARS AGO, CHANGED MEETING TIME, FROM THE EVENING HOURS TO ONE O'CLOCK IN THE AFTERNOON. LIKEWISE, OUR VIEWING SERVICE, FOR A DECEASED MEMBER, NOW TAKES PLACE EARLY AFTERNOON, RATHER THAN EARLY EVENING, AS IN THE PAST.

TOO MANY OF OUR JUDGES ARE IRRESPONSIBLE, AS REGARDS TO SENTENCES HANDED OUT TO GUILTY PERPETRATORS. MANY CRIMINALS ARE BOOKED AND RELEASED. OTHERS ARE PAROLED AFTER A "LIGHT" SENTENCE -- TO CONTINUE THEIR CRIMINAL WAYS.

UNFORTUNATELY, KEY INDIVIDUALS IN THE LEGAL PROFESSION, INCLUDING JUDGES AND SOME

IN THE POLITICAL FIELD HAVE BEEN JUDGED GUILTY OF CRIME — "WHAT CAN WE EXPECT FROM SOCIETY"! WE DO NEED MORE JUDGES, PROSECUTORS AND THOSE INVOLVED IN THE OVERALL CRIMINAL DISCIPLINE TO BE MORE RESPONSIVE TO THOSE VICTIMIZED AND SOCIETY IN GENERAL. I BELIEVE, THOSE ADJUDGED TO BE GUILTY, SHOULD PAY THEIR JUST DUE — FULL SENTENCE FOR ANY CRIME COMMITTED AGAINST THE ELDERLY — NO PAROLE — PLUS TIME IN COMMUNITY SERVICE, AND SO IDENTIFIED, SO THAT OTHERS WOULD KNOW WHO THESE PERPETRATORS ARE.

THOSE GUILTY OF CRIME AGAINST THE ELDERLY, SHOULD BE PROSECUTED WITHOUT HESITATION. I REALIZE SOME IMPROVEMENTS HAVE ALREADY BEEN MADE. MUCH MORE IS NEEDED. I BELIEVE THAT OUR GOVERNING BODIES, LOCAL, STATE AND FEDERAL— REALIZE THAT MUCH MUST BE DONE AND SOON. OBVIOUSLY, CRITICAL ITEMS MUST BE RESOLVED: HOUSING SPACE, MORE POLICE, LOCATION OF DETENTION HOMES, ETC., AND ABOVE ALL MORE MONEY.

THE CRIMINAL TODAY, IS TREATED MUCH BETTER THAN THE VICTIM. TOO MUCH IS ASKED OF THE VICTIM IN COURT TODAY, WHEREAS, THE PERPETRATOR IS A COMPARATIVE "GUEST".

I BELIEVE, A COMMUNITY TASK FORCE OR COMMISSION OF RESPONSIBLE CITIZENS MIGHT BE FORMED TO TAKE AN INDEPT LOOK AT "CRIME TODAY". A STATE AND FEDERAL COMMISSION MIGHT LIKEWISE BE UNDERTAKEN, TO REVIEW THE IMPACT AND PERCEPTION OF CRIME. WE SEE TODAY, AN EVER GROWING TREND OF ANTI-SOCIAL BEHAVIOUR IN OUR COMMUNITIES. THIS OBVIOUSLY GREATLY AFFECTS THE QUALITY OF LIFE IN OUR COMMUNITIES. THE SEVERITY OF CRIME AGAINST THE ELDERLY — MUGGINGS, BEATINGS, BREAK-INS, PURSE SNATCHINGS AND ASSAULTS ARE ON THE INCREASE. SENIOR CITIZENS, THE ELDERLY AND NEIGHBORS, IN MANY URBAN AREAS HAVE ORGANIZED "CRIME WATCH GROUPS" IN THEIR RESPECTIVE NEIGHBORHOOD. THIS DOES NOT HOWEVER DETER THE CRIMINAL -- CERTAINLY NOT AT NIGHT.

IN MAKING A CRIME STUDY, THE PEOPLE INVOLVED (TASK-FORCE), SHOULD INCLUDE REPRESENTATIVES FROM LOCAL CHURCHES, MINISTERS, YOUTH ORGANIZATIONS, ATTORNEYS, THE HUMAN RELATIONS COMMISSION, THE PROSECUTOR'S OFFICE, THE CITY CRIME ADVOCATE'S OFFICE AND OTHER RESPONSIBLE ASSOCIATED GROUPS.

UNFORTUNATELY, MANY PEOPLE IN PUBLIC OFFICE AND/OR THE POLITICAL ARENA, BELIEVE SOCIAL SECURITY IS ALL THAT MAY BE IN THE MINDS OF THE ELDERLY. TRUE -- WHILE IT IS AN IMPORTANT CONSIDERATION, CRIME, ESPECIALLY IN THE URBAN AREAS, IS OF GREAT CONCERN ••• BOTH FOR THEIR SURVIVAL.

I BELIEVE A FUND, ON A NATIONAL BASIS SHOULD BE ESTABLISHED, IN FACT, ALSO BY THE STATE, TO GIVE FINANCIAL AID TO ELDERLY VICTIMS, TO REPAIR BROKEN LOCKS, WINDOWS, DOORS, ETC., AFTER BREAK-INS. THOSE ASSAULTED, SHOULD BE COMPENSATED FOR THEIR INJURIES. MANDATORY JAIL SENTENCES, A MUST FOR ALL COMMITTING CRIMES AGAINST THE ELDERLY.

PROVIDE IMMEDIATE COMPENSATION TO CRIME VICTIMS, ON AN EMERGENCY BASIS, FOR REPLACEMENT OF EYE GLASSES, HEARING AIDS, OR OTHER REQUIRED PHYSICAL NECESSITY.

ASSIGN POLICE ONCE AGAIN TO FOOT PATROLS IN OUR COMMUNITIES, ESPECIALLY DURING THE TIME, WHEN THE ELDERLY CONSISTENTLY CASH SOCIAL SECURITY CHECKS.

CONDUCT AN EDUCATIONAL PROGRAM FOR THE ELDERLY, TO ADVISE THEM ON CRIME AND WHAT THEIR RIGHTS ARE. TO INFORM THEM ABOUT PRESSING CHARGES, ETC.

PERHAPS, RESTORATION OF PUBLIC WORKS PROJECTS — AS EMPLOYED IN THE EARLY1930's DURING DEPRESSION DAYS, WOULD HELP REDUCE CRIME, IN HIGH CRIME AREAS, BY GIVING THOSE IDLE POTENTIAL PERPETRATORS SOMETHING CONSTRUCTIVE TO DO AND BRING THEM BACK ONCE AGAIN INTO DECENT SOCIETY. ROAD WORK, HIGHWAY PROJECTS AND VARIOUS COMMUNITY PROJECTS WOULD BE IDEAL ASSIGNMENTS.

IT IS SLOWLY BECOMING A "MYTH" IN THAT MANY — ESPECIALLY THE ELDERLY — NOW ARE GETTING TO BELIEVE, THAT CRIME IS AN ACCEPTED PART OF LIFE. YOUNGER PEOPLE IN MANY CASES, WHEN BEING MUGGED, OR ABOUT TO BE MUGGED, MAY BREAK AWAY, OR RUN AWAY. A CITIZEN, AGE 60 OR UP MAY NOTBE SO FORTUNATE.

TWO RECENT INCIDENTS HAVE FOCUSSED NATIONAL ATTENTION TO THE SUBJECT OF CRIME. THE NEW YORK SUBWAY SHOOTING OF FOUR NEW YORK CITY YOUTHS BY BERNARD GOETZ — A MAN IN HIS EARLY 30'S AND ABOUT JANUARY 17, THE ELDERLY MAN, WHO ABOUT TO BE MUGGED OR ROBBED AGAIN, SHOT THE PERPETRATOR IN CHICAGO. IN BOTH CASES, EACH MAN, ABOUT TO BE MUGGED, TAUNTED, ROBBED OR ASSAULTED, FOR THE SECOND TIME, CAME "PREPARED"!. CERTAINLY, NO SANE LAW ABIDING CITIZEN, WANTS TO SEE ANYONE TAKING THE LAW INTO HIS OWN HANDS, BUT I'M SURE ALL DECENT LAW-ABIDING CITIZENS BELIEVE THE TIME IS LONG OVERDUE FOR POSITIVE ACTION BY OUR OFFICIALS.

AGAIN CONGRESSMAN RINALDO, I COMMEND YOU ON YOUR CONTINUING EFFORTS ON BEHALF OF THE ELDERLY, AND YOUR EXCELLENT WORK IN GENERAL. WE WISH YOU WELL AND CONTINUED SUCCESS IN YOUR NEW TERM.

Frank Sterbinsky

RESPECTFULLY SUBMITTED: FRANK STERBINSKY, PRESIDENT, SR. CITIZENS OF HANVILLE, INC.

1842 West 7 Street
Piscataway, New Jersey 08854
February 13, 1985

Representative Matthew J. Rinaldo
House Office Building
Washington, D.C.

FEB 19 1985

Dear Congressman Rinaldo:

I note that you attended the recent Union County meeting in Richmond Towers concerning crime in Plainfield, particularly the mugging/robbery of the elderly or disabled.

I would like to bring to your attention (although by now you are probabably aware of it) that crime is exploding in the city.

On Dr. King's holiday, when schools were closed, my wife (75) and I (79) had come from a doctor's office a few blocks from the Library on Park Ave. on our way home when my wife was mugged (and robbed) by a high school youth who punched her to the ground, stomped on her ankle (which had had surgery), and kicked her in the face and jaw, breaking her eyeglasses and injuring her face.

My being disabled (recent stroke) and suddenness of the attack prevented my help.

The consequent trauma suffered by my wife made her vow not to visit Plainfield except to our doctors, unless brought there in a private car by relatives or friends, since we had no car of our own.

Many years ago Plainfield was a nice place, but no longer, which I attribute to the increasing use of drugs, and the urgency of getting money to purchasing them.

Better education is needed in the schools to make the students know what the future consequences of drug addiction means.

Cordially,

Milton E. Sussman

AARP

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February, 1985

Statement for the Select Committee on Aging on Violent Crime Against New Jersey's Elderly.

The elderly tend to have a greater fear of crime and are more vulnerable to certain types of crime than other population groups. Lack of mobility and living alone or in older, less secure housing increases their fear and vulnerability. Steps should be taken to reduce the criminal victimization of the elderly. Generally, efforts to reduce crime against the elderly and reduce their fear of crime are best carried out at the state and community level. The federal government has an important role to play, nevertheless.

The federal government should encourage state and local agencies to compile detailed and uniform crime statistics, including such information as victim age, so that crimes to which the elderly disproportionately fall victim will be clearly and accurately identified.

Increased government sponsorship and funding of crime prevention programs are needed to increase citizen interest and participation in community efforts to reduce crime. Additional public information and media programs are also needed to educate persons about simple crime prevention techniques. To reduce economic crime like criminal fraud and deceptive practices, education programs should be continued to demonstrate how the elderly are victimized and suggest means for self-protection.

Another area of concern which must be addressed is the physical, psychological and material abuse of the elderly in their homes and in institutions. Because the potential for such abuse grows as the elderly population increases, the federal government should encourage research into the frequency and causes of the problems and development of education and training programs for care and service providers to foster preventive measures where possible. In addition, providers should be given incentives for reporting cases of abuse of the elderly. At the same time, service systems must be developed to respond to cases reported. If the nature and magnitude of the problem warrant, the federal government should encourage state and local governments to enact adult protection laws.

Thomas Weber, chairman,
N.J. State Legislative Committee
AARP